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PROCEEDINGS

OF THE

Vermont Historical Society,

OCTOBER 18 AND NOVEMBER 2, 1893.

With Lists of Members and Publications of the Society.

Address "Ethan Allen, A Study of Civic Authority."

Hon. Edward Swift Isham.

Address: "The Council of Censors in Vermont."

Leah Hamilton Wheeler, M.





THE STEPHENSON STATUE OF ETHAN ALLEN.

PROCEEDINGS
OF THE
Vermont Historical Society,

OCTOBER 18 AND NOVEMBER 2, 1898.



Address: "Ethan Allen, A Study of Civic Authority."

Hon. Edward Swift Isham.

Address: "The Council of Censors in Vermont."

Lewis Hamilton Meader, A. M.

BURLINGTON :
FREE PRESS ASSOCIATION PRINTERS.
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General Assembly of the State of Vermont.

JOINT RESOLUTION.

Resolved, By the Senate and House of Representatives: That the Clerk of the House of Representatives* be directed to procure the printing of twelve hundred and fifty copies of the Proceedings of the Annual Meetings of the Vermont Historical Society, October 18th, 1898, and of the adjourned Annual Meeting of said Society, November 2d, 1898, and of the papers of Lewis H. Meader, A. M., on "The Council of Censors in Vermont" read before the society, and of the address of the Hon. Edward Swift Isham, in the Hall of the House of Representatives, on "Ethan Allen, a study of Civic Authority," to be disposed of as follows: To each member of the Senate and House of Representatives, one copy; to each Town and City Clerk, one copy; to each College, Normal School, Academy, and Public Library, one copy; to the Governor, each of the heads of Departments, and each Judge of the Supreme Court, one copy; to the VERMONT HISTORICAL SOCIETY, four hundred copies, and the remainder to the State Library, subject to the control of the Trustees thereof.

HENRY C. BATES,

President of the Senate.

KITTREDGE HASKINS,

Speaker of the House of Representatives.

EDWARD C. SMITH,

Governor.

Approved November 17, 1898.

* Clerk, Thomas C. Cheney of Morrisville.

The Vermont Historical Society.

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ORION M. BARBER, State Auditor, }

HIRAM A. HUSE, State Librarian, }

Ex-officio.

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Bailey, Horace Ward.....	Newbury, Vt.
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Hulburt, R. W.....	Hyde Park, Vt.
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Clarke, Col. Albert.....	Boston, Mass.
Canfield, James H. Pres. Ohio State Univ.,	Columbus, O.
Chittenden, L. E.....	244 E. 13th St., New York City.
Denio, Herbert W.....	Concord, N. H.
Hazen, Rev. Henry A.....	Billerica, Mass.
Houghton, Edward R.....	Cambridge, Mass.
Isham, Edward Swift.....	718 The Temple, Chicago, Ill.
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Lord, Prof. George Dana.....	Hanover, N. H.
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HONORARY MEMBERS.

Burgess, Prof. John W.....	Columbia College, New York City.
Hough, Franklin B.....	Lordville, N. Y.
Roberts, Daniel.....	Burlington, Vt.
Wood, Thomas W.	Academy of Design, New York City.

The Vermont Historical Society.

PROCEEDINGS.

Pursuant to printed notice, the Vermont Historical Society held its annual meeting in the State House, in Montpelier, on Tuesday, the 18th day of October, A. D. 1898, this being the sixtieth anniversary of its birth. The meeting was called to order by the President, George Grenville Benedict of Burlington, and opened with prayer by the Rev. Alonzo N. Lewis of Montpelier.

The following members were present: G. G. Benedict, Burlington; Charles M. Wilds, Middlebury; Wm. W. Stickney, Ludlow; W. B. C. Stickney, Bethel; Charles E. Allen, Burlington; George C. Chandler, Berlin; Alonzo N. Lewis, George W. Scott, T. C. Phinney, Joseph A. De Boer, B. F. Fifield, F. A. Howland, Charles Dewey, Edward Dewey, Hiram Carleton, Fred E. Smith and Dwight H. Kelton, Montpelier.

The records of the last annual meeting were read and approved, after correction by substitution of the word "Corresponding" for "Active," in connection with the election to membership of the Hon. L. E. Chittenden of New York City.

In behalf of the Board of Managers the Secretary presented and read the following report, which on motion was ordered to be published in the Proceedings of the Society.

REPORT OF THE BOARD OF MANAGERS.

The By-Laws of the Society, Chapter II, Section 8, constitute the curators and officers of the Society a Board of Managers, whose duties it shall be to superintend its general concerns. By a provision of this same section this Board is intended to receive the aid of standing committees, respectively named the Committee on Library and Cabinet, the Committee on Printing and Publishing, and the Committee on Finance.

It seems very fitting that the Board of Managers should present some brief report on the sixtieth anniversary of the Society's history, the act of the General Assembly by which it was incorporated having been approved November 5, 1838.

The Departments of Natural History and Horticulture have now been obsolete for many years. Almost from its very origin has the chief concern of the Society been the study of Vermont history and Vermont men. Its very title has been shorn of the honorable appendage, Antiquarian, and reduced now nearly forty years ago to the simple name, The Vermont Historical Society. During all these years it has given evidence of vitality and, at times, of peculiar usefulness. The library and cabinet have constantly increased, but neither rapidly, nor in manner so select as the important nature of its proper work requires and deserves. Even the much needed practice of appropriate cataloguing has been frequently suspended, while the State aid, provided by Section 205 of the Vermont Statutes, of one hundred dollars per annum for binding and preserving books, documents and other property, has, with isolated exceptions, never been improved. At the annual meet-

ing of 1891, the Hon. G. A. Davis of Windsor presented a resolution by the terms of which three members were appointed a committee to prepare a catalogue, which was to be complete, in alphabetical order and by topics or authors, and this committee was authorized to expend therefor a sum not exceeding fifty dollars. It does not appear on the records that this action was carried into practical effect. The Society, however, again considered the matter October 20, 1896, and instructed the President and Secretary to employ some suitable person to catalogue the library, paintings, manuscripts and other property. Mr. George C. Chandler, a former librarian of the Society, was employed for this purpose and his report, it is expected, will be presented at this time. It is hardly necessary to state that this important work has suffered from the lack of funds in which the Society finds itself almost constantly; and for other reasons also, namely the desirability of first rehabilitating the book, pamphlet and manuscript property and of finding permanent cases, more readily accessible for use, it was thought best to limit Mr. Chandler's performance to a careful inventory of all the property which the Society owns.

The Librarian will make his personal report of recent additions, which have been duly noted down by him in a journal provided for that purpose. It is necessary to call attention to the fact that donations to the library and cabinet are infrequent and not at all commensurate with the possible matters of interest and value which a state society of this character ought to receive. We believe that persistent effort to improve this condition should be made by all the members, and, further, that this effort will receive

a prompt response. A great deal of important historical matter, widely distributed in manuscript form or else loosely treasured in the memories of our older citizens, is exposed to absolute loss, if effort be not put forth to collect, arrange and preserve it. Next to making history stands the preservation of those testimonies which will demonstrate its truth. We are pleased to announce, in this connection, that there has been an actual and increasing interest manifested in and by the society during the past six years. Just preceding this period there had been an interim of quiet labor without public exercises of any kind, the last address having been received in 1880. In the year 1894 the Society received a valuable paper on Early Printing in America by Henry Oscar Houghton, since deceased, and in 1896, other valuable papers were prepared and presented by Henry D. Hall, Esq., on The Battle of Bennington, and by the Rev. A. D. Barber on Vermont as a Leader in Educational Progress. To these addresses should be added rich gifts of oil paintings, four in number, which have done much to increase interest in the Gallery of Paintings owned by the Society. This also, should be greatly enlarged and thus rendered more representative and of greater historical value to the State.

In facilitating publications the Society has been forced, because itself an eleemosynary institution, to constantly appeal for assistance to an always kindly disposed and appreciative Legislature. The support which was thus derived has repeatedly proved how correct its judgment is of the importance of historical study, and of the honor which accrues to the State from the preservation and dissemination of its own history, so heroic in its origin, so

honorable in its civil and political progress, so glorious in the great War of the Rebellion, and so marvellously contributing immortal names of her own sons to the history of the recent War with Spain. The State has not refused publication when the Society supplied material, and upon this kindly attitude of the State the Board of Managers congratulates the Society.

On the 25th of October, 1894, the Society appointed a committee, consisting of George G. Benedict, Hiram A. Huse and Hiram Carleton, with instructions to bring the matter of the Marcus D. Gilman Bibliography of Vermont to the attention of the Legislature, then sitting, and to urge its great value and the importance of its publication to the State. This work was duly performed by said committee and the Legislature made an appropriation for the publication of the Bibliography. The book itself has since been issued and Mr. Gilman's scholarly labors have thus found permanent expression for the uses of mankind. It detracts nothing from him that there were made "additions by other hands." Mr. Huse notes in his introduction that many additional titles were supplied by Mr. Thomas Wood and adds that "five hundred and sixty-three titles and seventy-three biographical sketches and some hundreds of additions to the biographical notes and numerous additions to the list of newspapers" were supplied by the Hon. George Grenville Benedict, President of this Society, and editor of the work for publication. It is both proper to refer to this and also to the numerous miscellaneous papers and addresses published by different members of the Society, as indicating the interest which it to-day enjoys and which, we trust and confidently hope, will long continue.

It is equally gratifying to announce that the regular sessions of the Society exhibit an increased attendance and that the reports of the Treasurer indicate a growing financial support. Much benefit will accrue from an increase in the active membership throughout the State.

The Society is dedicated to the high responsibility of helping tell the story of Vermont, its men and women, and should not lack pre-requisite enthusiasm in the discharge of its work. There is no dearth of material and there will be no lack of support if it is claimed. The Society must keep the flame, as it has kept it for sixty years. It will yet have its centennial, also.

The Board of Managers further report that all correspondence, addressed to the Society from whatever source, has received such prompt and full response as the circumstances warranted. This labor has not been onerous, having been shared by several, and, in any event, it is always agreeable to supply information whenever possible. We believe, however, that this function of the Society can be greatly improved, but not without first placing its library in a convenient form for use. We beg leave to insert here an interesting letter which will explain itself.

“ATKINSON, N. H., Sept. 6, 1893.

To the New England Historic-Genealogical Society :

“I enclose my check for one thousand dollars (\$1,000) to the order of the New England Historic-Genealogical Society, which I wish to be safely invested and kept as a permanent fund, the income only to be used, for the purchase of town histories and works relating to genealogy, for which there is now so urgent a demand by the public.

“This society was incorporated in 1845 for historical and genealogical research, and has well fulfilled its object. With rare liberality,

it has thrown open to all inquirers its rich storehouse of books and antiquarian relics, and no other society in the country has done so much to aid ancestral research. Its magazine, the New England Historic-Genealogical Register, established in 1847, is valuable beyond all price for its genealogical and historical articles, its biographical memoirs, its statistical tables and its copies of parish records. Its first editor was the Rev. Dr. William Cogswell, a native of Atkinson, N. H., whom I well knew. The society deserves, and I trust, will receive from an appreciative public far more assistance than in the past, to enable it to continue and enlarge its good work. It greatly needs an increase of funds, to which I deem it a privilege to contribute.

Very respectfully,

WILLIAM C. TODD."

Although it is not possible to report the happening of a like piece of good fortune to ourselves, yet are we able to appreciate it when it occurs to others and may therefore congratulate our sister society upon its discreet and practical friend and Mr. Todd upon the fine perception which moves his generosity.

In concluding this brief report, the liberty is taken to suggest to the members of the Society the desirability on their part of supplying, whenever it is convenient to do so, personal contributions to its Proceedings; for, apart from their specific value, there is no better way in which to build up the Society or to extend its influence, than by practical action of this kind.

Particular publications of historic interest, especially on matters relating to Vermonters and Vermont, should be filed with the Librarian for future reference and classification, and the old custom of biographically noticing the deaths of distinguished citizens should be revived.

As the list has not been printed for many years, we have brought together the various papers and addresses prepared for the Society, from its origin, so far as now known. Any corrections or additions will be appreciated.

PUBLICATIONS OF THE SOCIETY.

- (1) Deficiencies in Our History, October 16, 1846.
James Davie Butler, (Professor in Norwich University.)
(Eastman & Danforth, 1846.)
- (2) (a) The Battle of Bennington, James Davie Butler ;
(b) Life and Services of Col. Seth Warner, Geo. Fred'k. Houghton.
(Free Press Print, Burlington, 1849.)
- (3) Address, Daniel P. Thompson, October 24, 1850.
(Free Press Print, Burlington, 1850.)
- (4) Address, Matthew Lyon, by Pliny H. White, October 29, 1858.
(Times Job Office Print, Burlington, 1858.)
- (5) The Marbles of Vermont, by Albert D. Hazen, October 29, 1858.
(Times Job Office Print, Burlington, 1858.)
- (6) Constitution and By-Laws with Membership Catalogue.
(Davis & Greene, Woodstock, January, 1860.)
- (7) Discovery and Occupation of Lake Champlain, Rev. Jos. Torrey, D. D., with Proceedings, October 16, 1860.
(Free Press Print, Burlington, 1860.)
- (8) Proceedings, January 23, 1861.
Samuel Austin Worcester, by Rev. Pliny H. White.
Hon. George Tisdale Hodges, by Geo. F. Houghton, Esq.
Gov. John S. Robinson, by Hon. Hiland Hall.
Dr. Noadiah Swift, by Hon. Hiland Hall.
(Free Press Print, Burlington, 1861.)
- (9) Proceedings, October 15 and 16, 1861.
(Henry A. Cutler, St. Albans, 1861.)

- (10) Town Centennial Celebrations, an Essay, Henry Clark, Esq., and Proceedings, January 23, 1862.
(Henry A. Cutler, St. Albans, 1862.)
- (11) The Evacuation of Ticonderoga in 1777, Henry Hall, July 17, 1862; Proceedings.
(Henry A. Cutler, St. Albans, 1863.)
- (12) Life and Character of the Hon. Richard Skinner, by Winslow C. Watson, October 20, 1863; Proceedings and Membership List.
(J. Munsell, Albany, 1863.)
- (13) Secession in Switzerland and in the United States Compared, by J. Watts De Peyster, October 20, 1863.
(Joseph Joesbury, Catskill, N. Y., 1863.)
- (14) Charles Linsley, by E. J. Phelps, January 18, 1864.
(J. Munsell, Albany, 1866.)
- (15) (a) Solomon Foot, by Geo. F. Edmunds, October 16, 1866.
(b) Jonas Galusha, by Pliny H. White, October 16, 1866.
(c) Sources of New England Civilization, Rev. J. E. Rankin.
(Walton, Montpelier, 1866.)
- (16) Jacob Collamer, by James Barrett, LL. D., October 20, 1868.
(Woodstock, Vt., 1868.)
- (17) The Capture of Ticonderoga in 1775, by Hiland Hall, October 19, 1869; Proceedings.
(Polands', Montpelier, Vt.)
- (18) Rev. Pliny H. White, Memorial Address, by Henry Clark, October 19, 1869.
(Idem.)
- (19) Hon. Chas. Marsh, LL.D., Memorial Address by James Barrett, LL.D; Proceedings, October 11, 1870.
(J. and M. Poland, Montpelier, 1871.)
- (20) Collections of the Vermont Historical Society, Two Vols. Svo pp. 508 and pp. 530. Montpelier, 1870 and 1871.
- (21) The Capture of Ticonderoga, by Lucius E. Chittenden, October 8, 1872; Proceedings.
(Tuttle & Company, Printers, Rutland.)
- (22) History of the St. Albans Raid, by Edward A. Sowles, October 17, 1876.
(Messenger Printing Works, St. Albans, 1876.)

- (23) Rev. William H. Lord, D. D., Memorial Address, by President Matthew H. Buckham, October 15, 1868; Proceedings. (J. and M. Poland, Montpelier, 1878.)
- (24) The First Legislature of Vermont, by E. P. Walton, October 15, 1878.
(Idem as No. 23.)
- (25) Chief Justice Samuel Prentiss, by E. J. Phelps, October 19, 1880; Proceedings, with Constitution and By-Laws. (Tuttle & Company, Rutland, 1880.)
- (26) History of Fenianism and Fenian Raids in Vermont, by Edward A. Sowles, October 19, 1880.
(Idem as No. 25.)
- (27) Vindication of Vol. I of the Collections, from the attacks of the New York Historical Magazine, by Hiland Hall, republished from Vol. II of the Society's Collections. (J. & M. Poland, Montpelier, 1871.)
- (28) Early Printing in America, by Henry Oscar Houghton, October 25, 1894; Proceedings.
(Watchman Publishing Co., 1894.)
- (29) (a) The Battle of Bennington, by Henry D. Hall, November 5, 1896. Illustrations and Maps.
(b) Vermont as a Leader in Educational Progress, by the Rev. A. D. Barber; Proceedings, November 5, 1896.
(Argus and Patriot, Montpelier, 1897.)

Arrangements have been made for a public meeting in the Hall of Representatives at 7:30 P. M., Wednesday evening, November 2, 1898. At that time an address will be delivered by the Hon. Edward S. Isham of Chicago, Ill., upon the subject, "*Ethan Allen, a Study of Civil Authority.*"

Respectfully submitted, by the

BOARD OF MANAGERS.

Montpelier, Vt., Oct. 18, 1898.

The reports presented by George W. Scott, Treasurer, and by Truman C. Phinney, Librarian, exhibited an increase in the property of the Society. There was also presented, for the first time in many years, a manuscript inventory, arranged by George C. Chandler, a former librarian of the Society, of its books, manuscripts, paintings and other property, suitably classified by author and title. This work was prepared under the direction of the President and Secretary, appointed for that purpose under a vote of the Society in 1896. These various reports were accepted, adopted and ordered to be recorded.

On motion of Mr. Fitch the Secretary was instructed to convey the thanks of the Society to the descendants of James Whitelaw, the second Surveyor General of Vermont, for their donation of bound manuscripts of the Diary of Gen. James Whitelaw.

The President next announced the decease during the past year of the Hon. George W. Harman of Bennington, with one exception the oldest practitioner of law in Vermont, Hon. Homer N. Hibbard of Chicago, Charles Wyman of St. Albans, and the Hon. Joseph Poland and Saurin J. Blanpied, A. M. of Montpelier.

On motion of Mr. Wm. W. Stickney, the Society proceeded to the annual election of officers and the retiring board was re-elected as follows: President, George G. Benedict of Burlington; Vice-Presidents, Rev. W. S. Hazen of Northfield, R. M. Colburn of Springfield, James C. Houghton of Montpelier; Recording Secretary, J. A. DeBoer of Montpelier; Corresponding Secretaries, T. S. Peck of Burlington, Charles S. Forbes of St. Albans; Treas-

urer, George W. Scott of Montpelier; Librarian, T. C. Phinney of Montpelier.

The President announced the following Standing Committees :

Library: Joseph A. DeBoer, Theodore S. Peck, R. M. Colburn.

Printing: J. Henry Jackson, Hiram A. Huse, George W. Scott.

Finance: Charles S. Forbes, Hiram Carleton, George C. Chandler.

The following gentlemen were elected to active membership: Governor Edward C. Smith, St. Albans; President Allan D. Brown, Northfield; President Ezra Brainerd, Middlebury; President M. H. Buckham, Burlington; Dr. Herschel N. Waite, Johnson; Chas. W. Whitecomb, Esq., Cavendish; Benjamin Swift, Orwell; James M. Gifford, New York; Hon. B. F. Fifield, Hon. John H. Senter, Fred L. Laird, H. M. Cutler and Captain Dwight H. Kelton of Montpelier.

The Society also elected as Corresponding Members the Hon. Edward S. Isham of Chicago, Norman Williams, Esq., of Chicago, the Hon. L. E. Chittenden of New York, and Prof. Geo. D. Lord of Dartmouth College.

The President announced the receipt of communications from the Hon. E. A. Sowles of St. Albans, relating to his work on "Abraham Lincoln's Assassination Conspirators;" from the Hon. Henry F. Field, relating to a paper by the Rev. W. G. Davenport of Anacostia, Wash., on "Thomas Davenport, the Brandon Blacksmith;" and from J. H. Leonard, Esq., of San Jose, Cal., offering the Society complete files of California papers from 1873 to the end of

July, 1898, complementing his former donation, beginning with 1850.

On motion of Mr. Lewis, as amended, the preceding matters were referred to the Board of Managers for such action as they may deem advisable. On Mr. Carleton's motion the Managers were further authorized to take action in relation to Mr. Leonard's proposition and requested to ascertain the cost of shipping his donation to Vermont.

On motion of Mr. Lewis the President was instructed to appoint a committee to consider the expediency of monthly meetings of the Society during the winter and spring and to report its conclusion at an adjourned meeting of the Society, to be held Nov. 2, 1898. The President appointed Messrs. Lewis, Carleton and DeBoer.

The Society next listened to a paper presented by Lewis H. Meader, A. M., of Providence, R. I., entitled "The Council of Censors in Vermont." In the absence of its author this paper was read by the Secretary, and on motion of Mr. Fifield, it was ordered that it be published in the Proceedings.

On motion of Mr. Kelton, the Secretary was instructed to correspond with the Congressional delegation from Vermont in relation to a reprint of the U. S. Census of 1791 with special reference to so much of said census as relates to the State of Vermont.

The Society then adjourned to 2 o'clock, Wednesday, Nov. 2, 1898.

ADJOURNED MEETING.

In accordance with its order of Oct. 18, 1898, the Vermont Historical Society met at its rooms in the State

House at 2 o'clock, Wednesday, Nov. 2, 1898, there being present, George G. Benedict, Burlington; Wm. W. Stickney, Ludlow; George C. Chandler, Berlin; Hiram Carleton, Truman C. Phinney and Joseph A. DeBoer of Montpelier.

On presentation by the President, the Society duly elected to active membership, Arthur F. Stone, Editor, of St. Johnsbury, Vt., and George Briggs, Lawyer, of Brandon, Vt.

On motion of Mr. Phinney, the Committee charged with the consideration of monthly meetings, appointed Oct. 18, 1898, was continued, with instructions to prepare a written report and to present the same at a future meeting of the Society.

On motion of Mr. De Boer a Committee, consisting of Hiram Carleton and Hiram A. Huse, was elected to secure the necessary resolution from the Legislature, then sitting, for the publication of the Proceedings, including the paper by Mr. Meader and the address of Edward Swift Isham of Chicago, the speaker of the evening.

After appointment by the President of Messrs. Stickney, Fifield, Carleton and De Boer to make arrangements for the Public Exercises, the Society adjourned to meet in the Hall of Representatives at 7.30 o'clock.

PUBLIC EXERCISES.

In accordance with public announcement and the order of adjournment, The Vermont Historical Society held its public exercises at 7.30 P. M., Wednesday evening, Nov. 2, 1898. A representative and distinguished Vermont audience filled the Hall of Representatives. Among those

present were Gov. Edward C. Smith, Senator Redfield Proctor, Congressmen Grout and Powers, Supreme Court Judges Ross, Tyler, Munson and Thompson, Hon. J. G. McCullough, President pro tem of the Senate, Speaker Kirtledge Haskins of the House, Representatives, Senators, delegates from the Vermont Society, Sons of the American Revolution and from the La Fayette Chapter, Daughters of the American Revolution, and other prominent citizens. The meeting was called to order by the President and opened with prayer by the Chaplain, the Rev. Alonzo N. Lewis.

President Benedict, in some brief introductory remarks congratulated the members on the increasing interest in the Society and its work, as shown by the numerous additions to its roll of members and the increased attendance upon its meetings. He congratulated all Vermonters on the recent additions to the stock of available material for a fuller and more adequate history of Vermont than has as yet been written. Among these additions are various documents relating to the Independent Commonwealth of Vermont and its founders, reproduced in the collection of facsimiles of documents relating to America, which Mr. B. F. Stevens, of London, England, son of the founder of the Vermont Historical Society, has been engaged in making, for many years. A set of these facsimiles, in twenty-five large folio volumes, has recently been received by the University of Vermont. Among these documents is a letter written by Gen. Simon Fraser, who commanded the British forces in the battle of Hubbardton, giving a detailed report of the battle, from his point of view, and of the campaign preceding it,—a document of much interest in view of the meagre

accounts of that battle hitherto available—and several interesting letters relating to Col. Ethan Allen.*

Mr. Benedict also alluded to the fact that the important collection of some two thousand books and pamphlets relating to Vermont, made by Hon. Lucius E. Chittenden, had become the property of the State University, and would soon be open to historians and students of Vermont history. He expressed the hope that some competent hand would before long be found to prepare and give to the public an original and adequate history of Vermont. He then introduced the orator of the evening, Edward S. Isham, Esq. of Chicago, who delivered a very able address upon "Ethan Allen, a Study of Civic Authority."

On motion of Mr. Fifield the thanks of the Society were voted to Mr. Isham for his most admirable address, characterizing it as "notable for its style, brilliant in its use of illustration, eloquent in speech and original in its new and intensified delineation of the work and character of the great son of Vermont." Mr. Isham was requested to supply the Society a copy of his paper for publication.

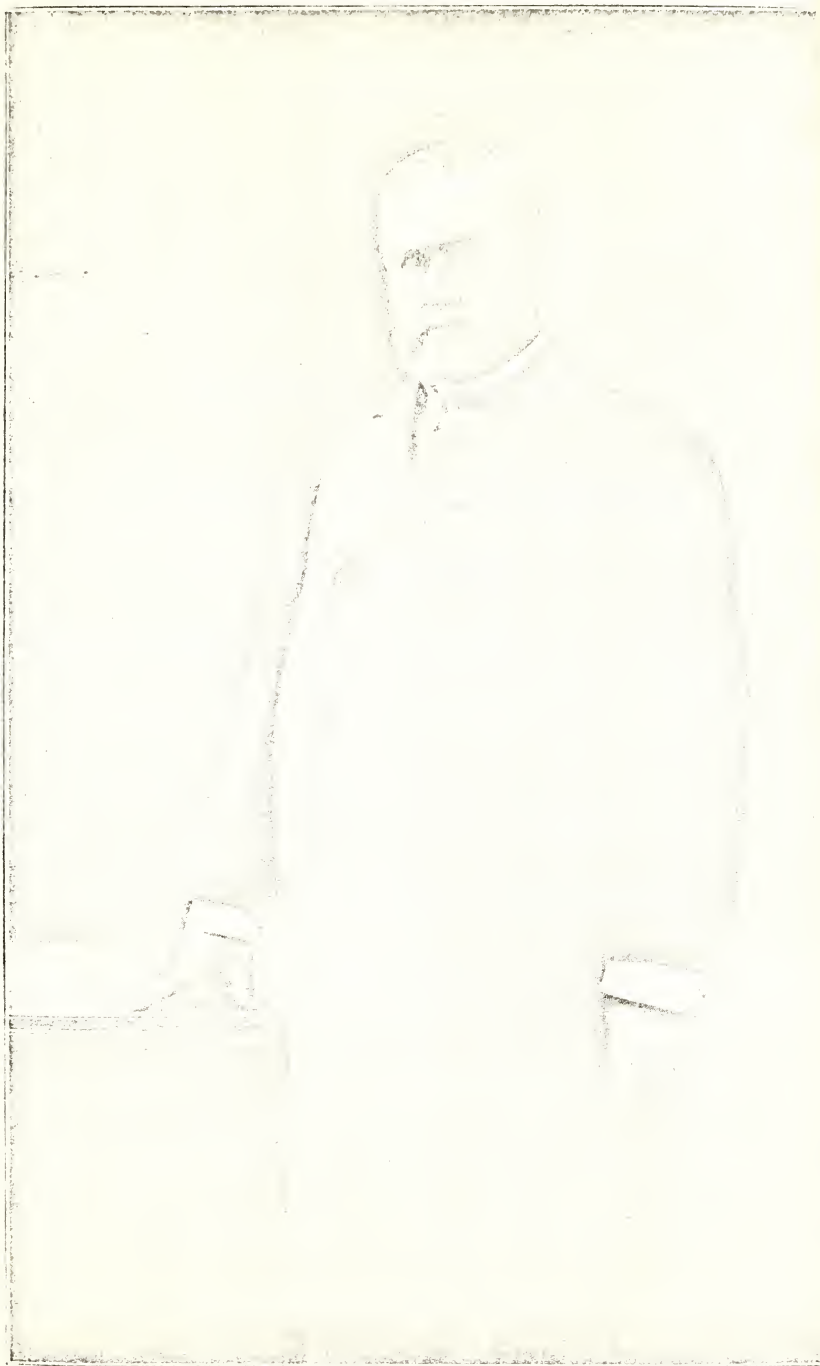
The Society was then declared adjourned subject to the call of the President and Secretary.

Attest:

JOSEPH AREND DEBOER,

Recording Secretary.

* Gen. Fraser's report and four letters relating to Ethan Allen, are, for the first time, so far as is known, printed in an appendix to this Report of Proceedings.



EDWARD SWIFT ISHAM.

ETHAN ALLEN
A Study in Civic Authority
AN ADDRESS

Delivered Before the Vermont Historical Society

— BY —

HON. EDWARD SWIFT ISHAM

In the Hall of the House of Representatives

November 2, 1898.

ADDRESS.

Mr. President, Ladies and Gentlemen :

I am not unconscious of a certain temerity in coming into this place and at this time, to address an audience upon the subject that is before us. For there are here scholars learned in the colonial history of our republic, and many who have thought deeply upon the development of this State and the characters of the men who gave distinction to that movement ; and these things have already been in this place the subjects of eloquent and thoughtful consideration. There seems still to remain, however, some truth of history to be cleared, and some remnant of contemporary injustice proper to be repelled. It is not my purpose to dwell upon dramatic incidents of Allen's personal history or upon salient elements of his personal character, found in all his biographies and in all the histories of his time, except so far as it is impossible to pass over in silence the actions or qualities from which may be drawn the lines that distinguish those parts of history which are of permanent value. I seek rather to illustrate how civil government developed in the unorganized community of his time, and to note his association with it as it developed and solidified ; and to hold justly in view his part in founding, in the geographical region where he dwelt, an independent state becoming ultimately an integral member of the great republic. For there is given here a peculiar illustration of that process which constitutes the basis of all philosophy of history, namely, the unconscious tendency in the action of a community, or of a group of individuals, towards a definite historical result which none of them primarily foresaw or intended. No early settler of Vermont originally dreamed

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of founding a new sovereignty upon a breach with all the surrounding colonies and with England.

The historian of the Peloponnesian war observes that so long as the growth of the Grecian states was confined to the land, and before the development of their sea power, the only conflicts which occurred were the disputes of boundaries between contiguous states. Among the many parallels that lie between the New England colonies and those states of antiquity this also is not wanting. Under conditions in many respects not dissimilar, the political organizations of New England maintained hot disputes concerning their boundaries, which continued from the founding of the colonies down to the commencement of the last decade. The indefiniteness of the lines indicated by the colonial charters makes it difficult to understand how the uncertain boundaries were ever fixed at all. There were keen disputes of Rhode Island with Massachusetts and Connecticut, and between Massachusetts and New York, and also between Massachusetts and Connecticut. It was long uncertain whether Springfield was a town of one or of the other. There was dispute of boundary between Connecticut and New York, and of the rights of Connecticut to Long Island, and to the smaller islands lying closer in shore. Massachusetts disputed with New Hampshire, and Fort Dummer was built and garrisoned by order of Massachusetts Bay seventeen years before it was settled that its site lay north of the boundary of that colony and within what is now Vermont. The vagueness and obscurity of all geographical conceptions when the sovereigns of Europe were granting charters of American territory are not easy now to realize, though we often fail to appreciate how lately

this obscurity has cleared away. A hard-and-fast line of coast running generally north and south had given a solid boundary to some part of the imaginings of the old explorers who turned their prows westward into the mysteries of the ocean; but, beyond this boundary of the sea, there still shone imaginings of the Indies and Cashmere. Spanish grants extended indefinitely north; French grants indefinitely south; and English charters indefinitely west, or from sea to sea. To our immediate purpose it is needful only to lead attention to the peculiar political isolation of the region with which we are engaged. That is the wide region lying between the Connecticut River and Lake Champlain and extending from the border of Massachusetts to that of Canada. The very first step towards English settlement of this region west of the Green Mountains opened controversy as to jurisdiction over it between New York and New Hampshire. As early as January, 1749, Benning Wentworth, the Governor of New Hampshire, granted the township of Bennington, and the partial coincidence of his baptismal name inadequately justifies the fancied derivation thence of this appellation. He yielded to the protest of New York and agreed to suspend for the time his exercise of such authority, and seems never to have felt over-confident of his legal right, for no grant conferred it in terms, and it rested in implication and argument from certain extrinsic acts of the British government.⁽¹⁾ The grants to the Duke of York of 1664 and 1674 doubtless intended to convey only the territory of which the Dutch had been dispossessed, and although under them New York claimed

(1) 1 Gov. & Council, p. 485.

the Connecticut river as her boundary ⁽¹⁾ the foundation was felt to be too precarious and was abandoned when the claim was resisted by Connecticut and Massachusetts. Her boundary was settled between those states at a line twenty miles east of the Hudson River. The original province of New York terminated south of the city of Albany, and any claim of more extended jurisdiction was based upon subsequent phrases of very obscure meaning, if of any.⁽²⁾ Though, north of the line of Massachusetts, the colonies of New York and New Hampshire continued their opposing claims of sovereignty over the territory west of the Connecticut river, it was not a case wherein that jurisdiction, if it belonged not to one then necessarily belonged to the other. In 1679 a royal decree determined against the claim of Massachusetts, that the territory then erected into the royal province of New Hampshire had "not yet been granted unto any person or persons whatsoever."⁽³⁾ In 1740 in defining the boundary between New Hampshire and Massachusetts the British Government held that certain territory *west of the Connecticut River*, and now in Vermont, did not then belong to Massachusetts, and accordingly, in 1744, the king and council considered that that province ought to assume the maintenance and garrison of Fort Dummer. New York did not then contend for, or, as Allen said, become "a competitor for the burthen."⁽⁴⁾ The territory was never included unequivocally in any charter if not in

(1) State Papers, Slade, p. 11.

(2) 1 G. & C., pp. 377, 488.

(3) Cyclop. Polit. Science, Lalor, Tit. N. H., p. 1041.

(4) 1 G. & C. 485-6.

that of Massachusetts, or in any royal grant, and consequently it might belong to neither of the royal provinces or colonies. In 1738 it was not doubted that all the southern part of the territory now Vermont belonged to Massachusetts, whose charter ran from sea to sea. But when in 1740 the northern boundary of Massachusetts was determined it was apparent that if the territory had not been previously granted to Massachusetts or to New Hampshire, it had remained ungranted by the crown of England. The order in Council of 1764 affirmed no previous jurisdiction in New Hampshire, and defined nothing for the anterior time during which all the grants of townships by that province had been made. Although the provincial officers of New York secured *ex parte* and by surprise in 1764 a royal declaration, partially recalled in 1767, that their boundary should be the Connecticut river, the title thus founded was denied by the inhabitants of the country and repelled by force of arms. (1) That rejection continued until it culminated in a declaration of independence, not only of New York but of every other colony and of England, and that declaration was made good by armed resistance and by the orderly maintenance for fourteen years of civil government, the establishment of a postal system, the coinage of money, and by ultimate recognition by the United States. It is probable, therefore, that at least up to the order in Council of 1764 and even in effect up to January 17th, 1777, when Vermont formally declared her own independence, no proprietary right in that territory, or jurisdiction over it for government, had by any grant been vested in any colony whatever; and the continental congress could gain no sovereign or other right

(1) II Williams' Vt., p. 170.

not previously held by some colony entering into the Colonial Union. Many things indicate that this thought lay deep in the minds of leading men, and from this idea might naturally germinate that of erecting an independent State. (¹)

Except a few French fortified posts and settlements in the north, the French settlement on the seigniory of the *Sieur de Hocquart* at *Point a la Chevelure*, now *Chimney Point*, and the forts *St. Frederic* and *Carillon*, now *Ticonderoga*, all this wide region lay uninhabited except by wandering bands of passing savages, and was called "The Wilderness." No people had any settled abode there; and English occupation from the south was prevented only by almost continual war, made peculiarly atrocious by the brutal and prowling methods of French and Indian warfare. It was deterred by the sanguinary expeditions which from Canada and from *Fort St. Frederic* swept through and across "The Wilderness" and fell with massacre and captivity upon frontier settlements like *Salmon Falls* (1690), *Schenectady* (1690), and *Deerfield* (1704). They were inspired by the ancient and war-begotten ferocity of the Indians, but guided by the intelligence and distinguished by the pitiless perfidy of the French. The only advances from the English settlements into this region were the construction of small forts like *Fort Dummer*, and of small block-houses, which were mere bases of operation for scouts, who from elevated points overlooked the country morning and evening to detect the smoke of camp fires and otherwise watched the "Wilderness" for the approach of an enemy. But men from Massachusetts and Connecticut who served

(¹) *Allen's Vind.*, 1 G. & C., pp. 463-4.

as soldiers along Lake George and Lake Champlain, returning home bore such accounts of the fertility and beauty of this so-called "Wilderness" that a body of colonists, chiefly from Connecticut, was ready to move into it, and particularly into the valley extending north from Pittsfield and Fort Massachusetts, as soon as the terror of the prowling Frenchmen and their savages should be withdrawn. The splendid drama on the plains of Abraham and the fall of Quebec, September 17th, 1759, accomplished this, though the treaty of Paris was not signed till February 10th, 1763. This is the background upon which are projected the historical figures we have to consider.

The controversy which led to the establishment of an independent commonwealth, which maintained its autonomy for fourteen years, related originally as is well known to land titles under grants by the Governor of New Hampshire. As their validity depended upon his jurisdiction the question assumed the character of a political issue between states. When the French war broke out in 1754 fourteen new townships had been granted, and in four years after the fall of Quebec, New Hampshire had granted one hundred and thirty-eight townships. Meanwhile at Albany active antagonism was chiefly confined to those whose speculations had committed them to the chance that titles derived from New York might be made to prevail over those previously granted by New Hampshire. But these included the governors Tryon and Colden and Dunmore, the judges and officers of the courts and all the colonial officers. All these were deeply interested in enforcing their titles against occupants who had built their houses and cultivated and given value to their lands in reliance upon titles acquired

in good faith. Those whose grants lay east of the Green Mountains, toward the Connecticut river, were allowed to quiet their disputes by acquiring the New York titles upon easy conditions or for nominal sums; but to those on the west of the mountains, along the border of New York, no such opportunity was accorded. To them the only alternative offered was abandonment or dispossession.⁽¹⁾ This issue took form in actions of ejectment which came on for hearing at Albany in June, 1770, and among the attendants in that court room sat Ethan Allen. No interest of the crown or of the public was involved in these causes, but only personal interests of the provincial officers and their friends who were speculators in these titles. It is stated that the judge, Robert R. Livingston, who allowed himself to hold the court, was interested then in over 35,000 acres of land involved in the pending suits.⁽²⁾ His son-in-law, Duane, who prosecuted the causes, held claim to 68,000 acres; and Duane's partner, Kempe, the Attorney General, was interested in a very great though unascertained amount.⁽³⁾ The issue was not complex nor the trial prolonged. In one case, which decided them all, the evidence of title derived from New Hampshire,⁽⁴⁾ was promptly excluded and judgment followed. Allen himself has given a vivid picture of that judicial scene. "The plaintiffs appearing in great state and magnificence," he says, "made brilliant appearance; but the defendants appearing in but ordinary fashion, having been greatly fatigued by hard labour wrought on

(1) St. Pa., p. 39.

(2) Early Hist. Vt., pp. 120, 121.

(3) Early Hist. Vt., p. 120.

(4) Sta. Pa., p. 21.

the disputed premises, and their cash much exhausted, made a very disproportionable figure at court." (1) It was upon leaving the presence of this tribunal that Allen—urged to persuade his people to submit to the inevitable and mindful that the brute force of an arbitrary judicial tribunal is the most intolerable tyranny on earth, and that in some ages and among some people there lay a wide margin between an arbitrary judgment and its enforcement—replied: "The gods of the valleys are not the gods of the hills;" and told Kempe, the Attorney General, when he inquired his meaning, that "if he would come up to Bennington it should be made plain" to him. Presently many attempted to come to Bennington and the meaning was made unmistakable, for never was a writ executed upon one of those judgments. Sheriffs clothed with their writs and with warrants for arrest were taken and scourged, and the sharpness of the punishment was never forgotten. "The twigs of the wilderness, the growth of the land they coveted," were all they ever received from it. An order of the governor called for reluctant militia to aid the officers of the court; but large bodies of armed men like that which came to seize the farm and residence of James Breckenbridge at Bennington, were met and turned back with defeat and humiliation. It was soon found that in this whirlwind, processes from the courts of Albany could not be executed anywhere in the New Hampshire Grants.(2) The government of New Hampshire had abandoned its claim of jurisdiction,(3) and that of New York was repudiated and effectively excluded. In this isolated situation

(1) 1 G. & C., p. 445.

(2) 2 Williams Hist. Vt., p. 20.

(3) St. Pa., p. 20; 1 G. & C., p. 121.

and in this menacing environment, the first great need, the most exigent thing, was a need for civil government, — for government exercising regularly a comprehensive and lawful sovereignty. ⁽¹⁾

Clear principles of civil order founded the New England colonies, and distinguished them from New York, which was founded by the commonplace spirit of adventure; and their public life was dignified by consciousness of a moral purpose. In 1756 the colony of New York had an incongruously assorted population of 83,233 whites and 13,532 blacks. Though New York was the chief town, that county was but the fourth in population. It had 10,768 whites and 2,272 blacks, while Albany, being the first, had 14,805 whites and of blacks 2,619. In 1771 the county of New York had 42,706 inhabitants. ⁽²⁾ This heterogeneous mixture of people was thus described by Crèvecoeur:

"They are a mixture of English, Scotch, Irish, French, Dutch, Germans and Swedes. From this promiscuous breed that race now called Americans has arisen. The *eastern* provinces must indeed be excepted *as being unmixed descendants of Englishmen*. I have heard many wish they had been more intermixed also; for my part I am no wisher, and I think it much better as it has happened. They exhibit a most conspicuous figure in this great variegated picture; they, too, enter for a great share in the pleasing perspective displayed in these thirteen provinces."

Substantially the same account of this population is given in Roosevelt's History of New York, pp. 28, 30, 39 and 40.

⁽¹⁾ 1 G. & C., p. 464.

⁽²⁾ Am. Com. N. Y. 1, pp. 342-3.

At the same date, 1771, the New Hampshire Grants had 4,659 inhabitants, and we may turn for a moment to consider who these people were, and whence they came.

The migration, led by Thomas Hooker, of the towns of Dorchester, Newtown (now Cambridge), and Watertown into Connecticut, where on a great bend of the river running through an almost empty wilderness they established the towns of Windsor, Hartford and Wethersfield, seems very clearly to have been a distinct secession from the colony of Massachusetts Bay, inspired by a purpose to escape from two forces aggressive and controlling in the towns of that colony. From the beginning of its history there appears there a clear determination to establish under some form a privileged class; and this policy was reinforced by the powerful backing of the churches and their ministers. The measures which tended straight to the establishment of a local oligarchy received the unfailing support of the ministers, and every question submitted to them for decision was with unfailing certainty determined in the interest of the dominant class-erecting power. Government of the people by the people never met a more resolute and consistent foe than the body of ministers of Massachusetts Bay. John Cotton uttered the sentiment of his class when he said: "Democracy I do not conceive that ever God did ordain as a fit government either for church or commonwealth." The secular and clerical influences which combined for that purpose were strong enough to establish the exclusion from "the liberties of the commonwealth" of all but church members. This exclusion from "the liberties of the commonwealth" was exclusion from the *right of voting* or of holding office; and so radical and comprehensive was the appli-

cation of the principle, that upon a judicious estimate *five-sixths* of the people continued as late as 1676 thus disfranchised. (1) All the history of the colony of Massachusetts Bay is the history of a struggle to free itself from this thorn in the foot of progress. That history may be wholly excised and leave the record of the legitimate development of American policy and progress unbroken. Thomas Hooker, the pastor of the church of Newtown, who coming out of the crucible of English political thought arrived in 1633, (2) seems to have been in his principles the absolute antipode of John Cotton; and he seems to have found it more inviting to move out from Massachusetts Bay than to remain and contend there. He determined the withdrawal that established in Connecticut its first settlements. The people going there were part of the great Puritan emigration of 1630, and among them were the ancestors of men subsequently distinguished throughout the history of Vermont. The consequences of this movement to the republic and to the principle of self government no scale can measure. In order to inaugurate powers of government in their new abode it seemed needful to keep alive some continuity of civil authority derived from the established order to be left behind. So, after the migration had already been physically effected, a sort of "Commission to Several Persons to govern the people of Connecticut" was issued by the general court of Massachusetts, which was to operate for one year only, and to run altogether outside the territorial limits and jurisdiction of Massachusetts Bay. But this feeble form of political organization these settlers carried with them as an

(1) Conn. Johnston, p. 65-6.

(2) Conn., p. 18.

original light of civil authority, just as often in those days a house-wife carried from her neighbor a pan of living coals with which to start the domestic hearth-fire in her own new habitation. Release from restraints of rigid and orderly government was no part of the incentive to this migration, but these people had *intended* to put the whole ocean between them and clerical instincts for meddling and dominating in civil government, and the legal establishment of social classes. Grasp of the great subject of liberty under firm government, and the strong trend of intellect and sentiment toward distinct participation of the governed in the exercise of the powers of government, have always distinguished the English among all the races of Teutonic descent. The German people, jealous as they were even in their ancient forests of their independence and a certain form of freedom, have never been sensitive to this inspiration. Powerfully intellectual but not cultured; learned but not refined; tender in domestic life but rude in manners; disciplined and not restive under constraint; content to remain passive and be governed by somebody, they have always been submissive to be ruled under feudal forms of arbitrary authority, and are patient to-day under a feudal absolutism that could not exist at all in England or America, and would be scorned among any people of English descent. So much of social unrest as appears is Semitic and not German. Still taken for all in all they are in many respects upon the highest level, and among the most rational and substantial of civilized peoples. But clear conception of government by the governed was never absent from the minds of English colonists in New England and Virginia, and it found its first effective expression in the political principles of Hooker

which were embodied in the Connecticut constitution of 1639. He could find a principle of civil authority which dispensed with theocracy, and with its clerical or ecclesiastical representation; one always familiar in classic and pagan civil law, ⁽¹⁾ but which he could find also in the Scriptures. That political sovereignty may *arise originally* in any community, and that too upon a secular and not theocratic base, was a doctrine, familiar enough in our modern thought, and of pagan antiquity, but quite in political advance of any proposition expressed even in the cabin of the Mayflower. It was asserted, however, in a *sermon* by Hooker and became the basis of the civil power of each Connecticut town, and made *such* a town the political unit in the colony and the state. ⁽²⁾

In 1637, when this colony decided upon an offensive war against "the Pequott" its population was probably not in excess of eight hundred souls. ⁽³⁾ But during the century and a quarter between the secession from the Bay Colony and the surrender of Quebec and of Montreal, the little army of Capt. John Mason smote that branch of the Mohegan race almost off the face of the earth and put an end to Indian troubles in Connecticut; the rival colony of New Haven was absorbed, and there once more theocracy and clerical supremacy were put under foot; and a secular foundation of sovereignty secured civil rights and civil liberty throughout the entire domain of Connecticut. At that time, says Roosevelt, Manhattan Island was still for the most part a tangled wilderness. "The wolves wrought

⁽¹⁾ Ranke, Univ. Hist., p. 266.

⁽²⁾ Conn., Johnston, p. 56.

⁽³⁾ Conn., p. 34.

such havoc among the cattle as they grazed loose in the woods, that a special reward was given for their scalps if taken on the island." (1) But during the period spoken of the population of Connecticut so increased that an active migration was ready to move into the New Hampshire Grants; and from this stock chiefly, with others of the same political thought from Massachusetts and Rhode Island came the 4,659 who composed the primal population of Vermont. The statement above quoted from *Crevecoeur* illustrates the vast ethnic difference between them and the mixed aggregation which made up the population of New York and explains sufficiently the sentiment which inclined the unmixed English race of New England to hold itself aloof, and to prefer the close association of its own colonies. These were the people who when the plumed and painted shapes had departed from those Indian-haunted woods, found at once a new controversy, involving social rights, political jurisdiction and sovereignty, precipitated upon them. It is among these people, as a civilian defending with his neighbors the issues of jurisdiction which underlay the titles to their homes, and founding an independent commonwealth, and as a soldier supporting heroically the Revolution and the cause of Washington, though himself outside the pale of the United Colonies and never a citizen of the United States, that we first get sight of the colossal figure of Ethan Allen.

One glance may be given to the theatre upon which was displayed this two-fold action. At the southwest corner of Vermont, directly upon the border of New York and close to that of Massachusetts, rises a conical and iso-

(1) New York, p. 31.

lated mountain called Mount Anthony. It is a peak of that Taconic chain which, rising in Vermont southward of Lake Champlain, runs parallel with the Green Mountains along the line of New York into and beyond the State of Massachusetts. Standing on the northeast slope of Mt. Anthony the observer looks upon that beautiful Taconic valley along an extent of nearly fifty miles. On the east are the Green Mountains, and on the west, bathed always in the blue and purple lights of Attica, are the mountains of the Taconic range. Below him the Walloomsac river winds in long reaches around the foot of the hill on which stands old Bennington, and running past the battlefield flows into the Hoosac river and so on into the Hudson. In the extreme north, where the mountains narrow the valley toward Castleton and toward Rutland, their highest peak, Mt. Equinox, like "topmost Gargarus," stands up and "takes the morning," and looks down upon the "divide" where, close by each other, rise the little river Battenkill, which, running south, turns through the Taconic mountains at Arlington and enters the Hudson not far from Saratoga, and that other stream, the Otter Creek, which flows north into Lake Champlain and so into that great flood, the St. Lawrence river. The settlers from Connecticut and Massachusetts who came into that valley in 1760 and afterwards, disclosed their English antecedents by the names of the towns they founded,—Pownal, Bennington, Stamford, Woodford, Shaftsbury, Arlington, Sunderland, Glastenbury, Manchester, Dorset, Rupert, Wallingford, Cavendish, Rutland. They were of the average education and refinement of the people of Connecticut and Massachusetts. Their churches were nearly all Congregational; but

in them and in the communities was a curious mixture of orthodoxy and of independent thinking and opinion. Over and above all rose a sort of worship of the Spirit of Liberty. Ethan Allen came among these settlers perhaps as early as 1766, then twenty-eight years old, and making his home in Bennington, threw himself into the burning controversy over titles and jurisdiction.

We need not deal with this contention further than to bring into light the political relations in which these people found themselves entangled. There is no doubt that great as was the surprise of the people resident on the New Hampshire Grants, who resented the order in Council of 1764 and disputed its validity, ⁽¹⁾ no serious alarm arose concerning their rights of property. As a new and original grant of jurisdiction it would naturally be subject ⁽²⁾ to the titles acquired in good faith by purchase and occupancy under the grants of New Hampshire. Transfer of political jurisdiction for purpose of government did not involve subversion of existent land titles, for both New York and New Hampshire were *Royal Provinces* and not proprietary grants. ⁽³⁾ It was attributed to the aversion of the king towards the democratic spirit of New England, which had always to George III seemed turbulent, and to his partiality for the more centralized and oligarchical tendency which, particularly in later years, had acquired dominance over the mixed population of New York. The "independence and unbridled democracy" of the Vermont towns was one of the pleas by which New York obtained this order in Coun-

⁽¹⁾. I G. & C., p. 445.

⁽²⁾. St. Pa., p. 27.

⁽³⁾. Early Hist. Vt., pp. 119, 120.

cil of 1764. For in every colony outside of New England and Virginia there was a pronounced and well defined disposition toward oligarchical government in form and effect, and a distinct antagonism to the democracy of New England. The spirit of New England from the landing of the Mayflower exhibited always, under more or less repression, an independence of king and parliament and a feeling that powers of government in America were *original* and not a continuity of English sovereignty. This was so constantly manifest, that to the British crown the democracy of New England seemed always upon the verge of insubordination.

So it is common to say that the political jurisdiction of New York would have been acquiesced in if the property rights which had been acquired had not been menaced.⁽¹⁾ Perhaps this is true, but it may well be doubted. If it had been there would have been no State of Vermont; and the sharpness of the question of titles dulled after 1775. Men were zealous to assist the colonies but were not willing to act in an association which implied political subordination to New York. It is to be remembered that the occupants of the Grants were all New England men ⁽²⁾ of pure English race, of the spirit of the House of Commons under the Stuarts, and their fathers had drawn out of England because they intended to leave not merely 3,000 miles of ocean, but an impassable abyss between them and the social relations which in England were inevitably associated with feudal tenures and manorial tenancies and ecclesiastical organization. The revolution and the course of history subsequently modified the conditions in New York,

(¹) Early Hist. Vt., pp. 5, 64.

(²) *Ib.*, p. 61.

but it is hard to believe that a New England people, saturated with the social and political ideas of New England, could ever have been submissive to the system of law and the social spirit of New York in 1764. There was a primal and inherited incompatibility. Men fight to vindicate their sense of justice, and defend with spirit their rights of property, but there are deeper and more dominant sentiments than these. "We fall back before you because that is our way," said the Scythians to Darius, "but meddle with the tombs of our fathers and then you shall find what manner of men we are." Had the authorities of New York given these inhabitants not only confirmation of their titles but *such system of land tenure* as they desired, Allen says they "would probably, by degrees, have excused them and reluctantly submitted to their government;" (1) but he argued at length, and strenuously, to show the hopeless incompatibility between communities organized like the New England States on the one hand, and the ecclesiastical system and the system of vast landed estates and manorial tenantry on the other, whether a remnant of Dutch colonization or of English antecedents. He contended that these differences tended to "vassalage" of the tenants in mind and body, and that they "would imbroider the government and end in civil war;" for, he said: "their genius, polity, temper, spirit and manners, would be "as diametrically opposed to each other as they are now, or "as liberty is to slavery. A people so opposite to each other in civil, political, and we may add, religious sentiments, can never subsist long under the same government, for the demonstration whereof we appeal to the

(1) Allen's Vind.

"current history of mankind." These elements entered into the earliest boundary controversies between Massachusetts and New York, and in our own day we have seen such social disturbances arising in New York as Allen anticipated from these relations, and his political insight vindicated.⁽¹⁾ It was then an incompatibility like that which inspired Thomas Hooker to lead his colony out of Massachusetts Bay into Connecticut; but these men fought the issue out where they stood. The aversion to being torn from their New England antecedents of race, religion and social habits was invincible, and, however the claim of New York might be founded, the people of Vermont kept always before the world certain

(1) "In the Dutch Territory along the Hudson most of the soil had been granted to 'patroons' who sold it in parcels to tenants. The tenants became owners in fee, with the power of alienation; but, instead of taking a principal sum in payment, the patroons reserved a perpetual fee farm rent as charge upon the freehold. This tenure was most common in the counties of Albany, Rensselaer, Delaware, Greene, and Columbia covering about half the course of the Hudson river from Albany to New York City. The most prominent examples of these 'manors' were Rensselaerswyck, a Dutch manor granted in 1630, and confirmed by James II., lying mainly in the two counties first named; and Livingston manor, in the county last named, first granted in 1686, extending from the Hudson to the Massachusetts line, and covering 160,240 acres; but these were only leading instances of the common rule of land-tenure."

"Tenants were never satisfied fully with their tenure, *but trouble only began openly when the original Dutch tenants began to give place to New Englanders. These endeavored to establish the authority of Massachusetts up to the Hudson River, and the consequent overthrow of the patroon's title*; and for some years before and after 1750 there was a *very considerable antagonism between the authorities of the two colonies, accompanied with bloodshed by tenants and inferior officers. After the Revolution the dissatisfaction of the tenants increased rapidly.* . . . Their grievances were mainly sentimental. Rents were low. . . . The great difficulty was that to the minds of the tenants the payment of a perpetual rent had come to seem only a 'badge of feudal servitude.' . . . There were no such substantial allegations of wrong and injustice as in the Irish land-difficulties, and yet the processes of resistance in both cases were curiously similar. The 'Land League,' 'boycotting,' the 'no-rent agitation,' every step of the Irish difficulties of

political analogies between their own struggle and that of the colonies against Great Britain.⁽¹⁾

Now the people holding these titles had cleared the forests in the course of years, and a settled and happy country had taken the place of "The Wilderness." They were of the education and culture of the New England people of that day. Bancroft writing of these settlers thus states their character and condition in 1765:

"Men of New England, of a superior sort, had obtained of the government of New Hampshire a warrant for land down the western slope of the Green Mountains, on a branch of the Hoosic, twenty miles east of Hudson river;

1880-82, had its prototype along the banks of the Hudson forty years before. By the New York State constitution of 1846 . . . the vested rights of the patroons were carefully respected, *while the whole system of land-tenure was so expressly put under the ban for the future as to increase the anxiety of the patroons to make absolute sales.*" Encycl. Brit., Supplement Vol. I, p. 246, Tit. Anti-Renters.

"In 1802, Rev. John Taylor, in his journal of a missionary tour through the Mohawk and Black River countries, speaks of lands in what is now Oneida county, in the centre of the State. 'The same evil operates here, however, as in many parts of this country—the lands are most of them leased. This must necessarily operate to debase the minds and destroy the enterprise of the settlers; although the rent is small, only nine pence an acre, yet if men do not possess the right of sale they never will nor can feel independent.' And again, in another connection: 'The Americans can never flourish when on leased lands; they have too much enterprise to work for others or to remain tenants, and where they are under the necessity of living on such lands, I find that they are greatly depressed in mind, and are losing their animation.'"

Pubs. of Univ. of Pa. Phil., 1887. Polit. Econ. and Polit. Law Series, No. 2.

Anti-rent Agitation in the State of New York. Edward P. Cheyney, p. 21.

Hist. of Delaware Co. (Gould), p. 247.

Jenkins' Life of Silas Wright, p. 179.

"The quit-rents of the various English patents were a heavy burden to all Long Island."

Early Long Island (Flint), p. 147.

(¹) II Williams' Vt., p. 170.

formed already a community of sixty-seven families, in as many houses, with an ordained minister; had elected their own municipal officers; formed three several public schools; set their meeting house among their primeval forests of beech and maple; and in a word enjoyed the flourishing state which springs from rural industry, intelligence and unaffected piety. They called their village Bennington. The royal officers at New York disposed anew of that town, as well as of others near it, so that the king was known to the settlers near the Green Mountains chiefly by his agents, who had knowingly sold his lands twice over. In this way the soil of Bennington became a fit battle-field for independence.”⁽¹⁾

Many of them were “men of considerable substance”⁽²⁾ “many of them wealthy,”⁽³⁾ and after the expedients incident to primitive settlement had served their turn, many a bit of choice colonial architecture, particularly in and about Bennington, and decoration and furniture indicated the taste and means of the residents. ⁽⁴⁾ Through their labor orchards, meadows and fields of grain waved in the summer sun, and the autumns were golden with fruits and harvests. And now in 1764 they were told that to all this product of their industry they had no title and must repurchase in the markets of speculation or abandon their farms and homes. The question turned upon the *political relations of the entire territory* and assumed at once the nature and proportions of a public issue. At Bennington “a conven-

⁽¹⁾ Bancroft, U. S., Vol. V, p. 291.

⁽²⁾ G. & C., p. 16.

⁽³⁾ St. Pa., p. 41.

⁽⁴⁾ Jennings; Memorials of a Century, p. 408.

tion" resolved to support their rights by force, and for that purpose organized a military force with Col. Allen in command. (1) It was nothing to the point that all this despoiling, accomplished through the machinery of courts and by juggling with political jurisdiction, was the work of speculators and nominally of individual claimants. These claimants were provincial officers of the royal government, and these courts were courts of the king of England, and the king of England left his entire people undefended to their enemies. Resistance to New York came gradually to be merely an euphemism. For a time it was thinly veiled by vague expressions of loyalty to a misguided majesty, but the governors of New York called it felony and treason, (2) and it was clearly enough appreciated as time wore on to be distinct reaction against the authority of the king; and when later on the affair at Lexington occurred, it found the people of Vermont five weeks ahead of it, at Westminster, consecrating by bloodshed, in avowed participation in the cause of the colonies, an open attack upon the authority and power of the king. The practical assertion of independence and the actual autonomy of Vermont date at least from 1764; and it is justly declared to have been the first actual autonomy on either American continent since the wreck of the great Indian monarchies of Mexico and Peru.

While these people resolved to take an active part with the colonies they also hoped, as they said, that they might "thereby annihilate the old quarrel with the government of New York, by swallowing it up in the general conflict for

(1) St. Pa., p. 21.

(2) Thompson's Vt. Pt. II., p. 26.

liberty." (1) But the notices of December 10, 1775, and those sent still earlier in the fall of that year, summoning the Dorset convention of January, 1776, gave definite form to a thought, which had already long agitated the communities west of the mountains, when it proposed for decision the question: Whether the law of New York should "have circulation" *at all* on the Grants, even *where it did not "infringe on their properties"* or their "defence of the same"; and also whether they would "consent to associate with New York . . . in the cause of America" or would act "*by themselves*". At that time Ethan Allen had been two months in captivity; but men who for years had been inspired and led by him, Captain Heman Allen and Dr. Jonas Fay, sat in that convention; and Heman Allen was on a special committee to report on the first of these questions; and both he and Dr. Jonas Fay were on a special committee "to represent the particular case of the Inhabitants of the New Hampshire Grants to the honorable the Continental Congress by Remonstrance and Petition." (2)

Meanwhile it is extremely difficult to discern upon what principle that region was governed down to January, 1777, when independence was declared, provision made for forming a constitution, and a general "Council of Safety" appointed to meet the exigency of government until the election of a legislature. (3) The authority of New Hampshire had been withdrawn. That of New York never went into legal effect because it was continuously and successfully resisted by armed force. In a state of isolation there was

(1) G. & C., p. 448.

(2) G. & C., pp. 11, 12, 13.

(3) Hist. Eastern Vt., p. 256.

maintained a system of independent government, rigid, orderly, efficient and perfectly satisfactory. It involved a civil administration of law and of internal police, and the levying, maintenance and employment in war of a military force. (1) But there is very obscure light upon the origin, political methods, and authority of such administration. We see the processes of government going on here and there, and powers exercised by curious and anomalous bodies in the towns, called "committees of safety", "committees of correspondence" (2) and by delegates and conventions, but there are few indications of any organization or principle of authority which kept their action in harmony. What was that "Grand Committee" of the New Hampshire Grants which John Brown met and conferred with at Bennington in, perhaps, February, 1775, about the project of capturing Ticonderoga? (3) The several towns established crude organizations under their charters of doubtful foundation (4); and in the general obscurity there is the ember-glow of the kindling of municipal life. There appears at Bennington in October, 1764, a company of militia. (5) There was clearly no formal organization among the towns themselves, no central authority over them all. The towns had committees of safety and local conventions, and sometimes they, or some of them, sent their committees or delegates to more general conventions, where common interests were discussed, and conduct agreed upon or recommended; and the

(1) St. Pa., p. 21.

(2) 1 G. & C., p. 13.

(3) Early Hist. Vt., p. 198.

(4) Early Hist. Vt., p. 127-8.

(5) Early Hist. Vt., p. 128. Doc. Hist. of N. Y., IV. p. 588.

action of such bodies was generally accepted. But obviously no town was thereby bound by political or municipal obligation. No central authority appears to have called these conventions. Sometimes the call was confined to a few towns; sometimes to all on the west side, ⁽¹⁾ or on the east side of the mountains, but in legal effect these conventions were mere conferences. It seems to have been in some vague way understood that these committees of towns having no bond of political association between themselves might be called by somebody to meet in convention like that of Dorset in July, 1775, and that the towns there represented might administer some powers of civil government over the aggregate body of towns created by New Hampshire; and, more than that, over all the inhabitants of the territory now known as Vermont. But nothing more substantial than such vague understanding and acquiescence appears. One must search closely and far for any ties of civic organization that lead to this. It is thought that the first event that thus brought together several town committees to exercise functions of an integral and common government, was the recommendation of Congress concerning a regiment of Green Mountain Boys, to be employed under such officers as they should choose, in the army to be raised for the defense of America; and that from this resulted the general convention of July 26, 1775, at Dorset. This is said to have been the first body assuming to exercise general functions of that character in the development of civil government in Vermont. It assumed to be "independent of all other states". ⁽²⁾ *But that is not all*, it proceeded as

⁽¹⁾ 1 G. & C., pp. 6, 11.

⁽²⁾ 1 G. & C., p. 5.

if it represented a complete political entity, as much so as the government of Massachusetts or Connecticut or of any other colony. The convention that declared, in January, 1777, the independence of the commonwealth and formed its constitution, appointed a "Council of Safety", already a familiar name, to act until the election of a legislature should bring the constitutional government into operation; and that body governed alone from July 8th, 1777, to March 12th, 1778. The journal of that council still exists; and it exhibits a marvelous phenomenon in civic administration,—the temporary absolute despotism of a single body of a dozen men, established and upheld by the most democratic and free spirited people that were ever under the sun. It is certain that bodies by that name had existed previously in certain towns, and some of the conventions from time to time recommended their appointment in all, but there is little record or trace of their institution, their members or their powers. It is plainly said that "there was no regular government in the state". (1) But Ethan Allen in his *Vindication of Vermont* (2) says: "During near two years "in the first of the war with Britain, the inhabitants of "these contested lands governed themselves, and managed "their internal police under the direction of committees "and conventions, *as they had done from the commencement "of their controversy with the government of New York.*" Gov. Chittenden wrote that the inhabitants of Vermont "had lived *in a state of independence from their first settlement*, governing themselves, until their state government was formed in January, 1777, by committees and

(1) St. Pa., Introd. p. xviii.

(2) I G. & C., p. 449.

"conventions in the manner afterwards followed in the "other states on their first separation from the British government." (1) This "government" was effective and wholesome even though unprecedented and irregular. Now the "inhabitants" in the towns had brought from New Hampshire in their charters provision for self-government in town meetings. The inhabitants of the present counties of Bennington and Rutland seem to have formed by committees from the several towns a "convention" which practically exercised certain general powers of government. Apparently a temporary delegation of powers from such towns as might be represented seems to have underlain the authority of all these conventions, and accordingly of that famous "Council of Safety" which was created by the convention at Windsor on July 8th, 1777. It was a more independent and free handed application of the principles of Thomas Hooker, and of the township sovereignty of New England, and more especially of Connecticut; and it may well be conceived that among such a people, unified by the constant presence of a common enemy, even such an absolute government, thus founded, could be trusted to move faithfully and discreetly under the vigilance as well as the inspiration of such leaders as Thomas Chittenden, Seth Warner and Ethan Allen.

Nevertheless, the extraordinary expedient of this "Council of Safety," though provisional, exhibits the principle of all absolutism, whether of prince or council, in Vermont or in Venice. Professor Sloane has defined the absolutism which Bismarck, as Chief of the Youngers, cham-

(1) Early Hist. Vt., p. 420.

pioned for the Prussian King ⁽¹⁾. Their formula was: "Bleibt der Konig, so lang er unsern Willen thut." The absolutism of the Prince is therefore that of the class that upholds him, and it is the commonest form of prudence to scrutinize that dominant class and if possible define its representative. The truth is that the suffrage produces more accurate representation of the actual moral level of the voting class than was ever expected or intended. We know the entire class which upheld that council of safety. Public security ran no peril with them. But would that be true of all communities? The danger of society is not anarchy. No people will attempt to live without some form of social order. Its mortal peril is the *abuse* of powers entrusted for the purpose of orderly and salutary government. So the mind can grasp and fairly well survey the total body of the people of Vermont of to-day, and, thank Heaven, still with a sense of security and a pride of race. But what would the average man and woman of France resemble? And if the average man and woman of our republic could be produced before us, what social stage would they represent? Would its level be higher or lower than our first conception? I do not mean the average man of such a community as is represented here, or of such as comes within our ordinary observation, but the accurate representative of the whole population that under any condition may participate in or influence government. I mean to include all the races of every descent and color, with all their ethnic traditions and religious and moral and social ideas and habits, fused and amalgamated in the one crucible of our modern State. Try to imagine this

(1). Cent. Mag. Oct. '98, p. 830.

average man. Take into account the highest and the lowest developments of intellect and of conscience ; at one extreme the finest product of the universities and of the schools of religion and morals, a class relatively small like the flame of a candle, and below this a class widening and deepening down into more than Cimmerian darkness, where lie such masses as, unchanged and impenetrable, through all the ages have made up the great cities like Calah and Resen and Nineveh, Memphis, Carthage, Rome, Naples, Vienna, London, Paris and New York ; depths where considerations of morality and duties of citizenship are never thought of apart from occasional interventions of the police and the vengeance of the penal code. Try to imagine the average man of all this. What would he be in intellect, and sensibility to moral obligation ? What would he be in cleanliness and in costume and in manners ? If this person should stand before us now, would we hail his utterances as the *vox dei*, or would we call him a Frankenstein ? Might we observe that his mental perceptions were in advance of his sensibility to moral constraint ? Would we educate him first in intellect and train him in accomplishments, or would we wait for a moral sense to grow in this representative of the sovereign power of the republic ? Could the professional politician possibly corrupt him, or would his lofty citizenship dominate with scorn the politician, as that of Thomas Chittenden or of Ethan Allen would have done ?

Through all their conflicts the foremost man in that community was Ethan Allen. In a group of brave, resolute and intellectual men, he dominated in all these qualities. An imposing form of lofty stature ; of surprising vigor and quickness of thought and action ; impetuous in

speech, with the quaint phrases of Hebrew Scripture not too reverently on his lips, he has risen with the passing years to stand as the heroic figure of his region and one of the most illustrious persons of his time. This is no longer to be gainsaid. In the lengthening perspective of history, slowly separating from the surrounding shadows, the outlines of the great representative figure which define themselves are his. Not Chittenden nor Warner, nor Robinson the chief justice, nor Ira Allen the financier and diplomatist, nor Nathaniel Chipman, the accomplished scholar, jurist and statesman, has come in the course of the years to typify in the judgment and the imagination of men the peculiar force which distinguished the origin and development of Vermont. It is the result of time and perspective that the State has approved his statue to stand in the front of its own capitol, and has chosen it to indicate its type of the hero and the patriot in the hall of the capitol of the United States. It is strange that in such a remote corner of the world he should have attained such renown as has come to him. I think it is because of the profound sense in all ages of the fundamental value of the principles then formulated so vigorously and of a certain Hellenic quality which distinguished the support of them. There is, nevertheless, a lingering tendency to harbor an inadequate and unworthy conception of him, and to allow detraction from the dignity which belongs to him. The contending parties "were greatly exasperated towards each other" ⁽¹⁾ and it was usual for the provincial officers of New York, whom he held at bay in their personal ventures, to portray him as a wild and reckless outlaw of extravagant speech and lawless

(1) 1 G. & C., p. 444.

and violent conduct. And too much of this, as often happens, has been defiantly accepted for him, and for that effective but disciplined military organization called "Green Mountain Boys," and in fact for all the people of that time. Writers of history and biography, even in Vermont, have allowed themselves with a certain pride of independence to submit to a representation of these people as an uneducated, turbulent multitude, living in the forests a life of proud but lawless and half-tamed mountain independence. It is time that this conception of them should be contradicted and abandoned. They were like the other colonists of Connecticut and Massachusetts. In fact, a certain process of natural selection had drawn out of those colonies, and grouped in southern Vermont, a collection of men superior in physical frame, in intelligence and information, in mental vigor and independence of thought upon the principles of civil liberty and civil government. No more intelligent, educated, self-restrained, orderly and Christian people were to be found in any other rural portion of New England, and surely nowhere in America outside of New England. Their pastors and lawyers, the judgments of their courts, and the conduct of their statesmen rank very high in the comparison that may be made at this day with others of their time. Nevertheless, as in the beginning of all states, there were curious phases assumed in the course of adjustment of society to law and to legal tradition. There were ancient constructions of the law of England which still prevailed, and rigid and quaint statutes founded on common law and on Scripture, but bearing the evidences of a Connecticut origin.⁽¹⁾ So things somewhat curious came about with all

(¹) Hist. East Vt., p. 573).

soberness, which may seem odd enough now, but which simply indicate an extreme care in conformity to law. Such was the burial of Thomas Chandler of Chester, the chief judge, who tried to hold the court at Westminster on the 13th of March, 1775, and who came in his later years to impoverishment, and being imprisoned for debt died in the jail at Westminster. An idea prevailed that one who should even bury the body of an imprisoned debtor beyond the jail-yard boundaries, by thus intermeddling made himself liable to pay the judgment under which the prisoner was confined. It was not easy then to see how a burial free from the stigma of the jail limits was to be given to the remains of Judge Chandler. But a grave commenced close to the graveyard fence, deepening obliquely passed gradually to a depth which carried the bottom of it just within the adjoining burial ground, so that a simple stragem which might prevent the writs of his own court enabled the remains of Judge Chandler, consigned to earth within the liberties of the jail, to await a decorous resurrection within the bounds of the "old Westminster churchyard."(¹)

A more cheerful illustration of ingenuity within the meshes of the English law, as its traditions ran in that community, is found in the wedding of Asa Averill of Westminster to the widow of Maj. Peter Lovejoy. She was not only the widow but the administratrix of the warrior, and it was understood that if by marrying a widow who was thus administratrix one came into possession of any article owned by the deceased husband, he would become liable to answer for the estate of his predecessor. But

(¹) Hist. East. Vt., pp. 583, 637; St. Pa., p. 497.

locksmiths are not the only ones against whom the laugh has run through all the ages. The huge chimney before whose ruddy fire the widow used to sit through the winter evenings, "and glow like it," had by its side a large recess which was easily formed into a considerable inclosure by stretching a blanket across the front of it. Into this the lady passed, and when all her former vestments had been put out of the apartment, the eager Averill, clasping a hand thrust through an aperture prepared in the blanket, was married to the air-and-shadow-clad dame whose voice he could hear but who was veiled from his view. A trousseau of his own procuring eluded the chance of his acquiring anything of the estate of the late Major Lovejoy, and no shadow of responsibility for the debts of his predecessor clouded the wedding festivities of Mr. Asa Averill. ⁽¹⁾ But all these things have really their serious aspect as the outcomings of an orderly and law-abiding society and public spirit.

Allen has been lately called "The Robin Hood of Vermont" by a biographer greatly venerating and admiring his qualities and public service; but this does not represent the factor for which he stands. Many a man of New York returned from the Grants with a clear idea of what he meant when he told Kempe, the Attorney General, that "the gods of the hills were not the gods of the valleys." One day, while a price of a hundred and fifty pounds was upon him, and he was outlawed and the country full of proclamations for his arrest, he rode alone into the streets of Albany, and at the principal inn called for a potation. The news of his entry had run through the town; the crowd had gathered

(1) Hist. East. Vt., p. 585.

and with the others came officers of the court, the sheriff and attorney general. Allen looking upon them raised his bowl, and saluting the assembly in affected courtesy exclaimed, "Hurrah for the Green Mountains," and rode leisurely and unmolested away. So Robin Hood might in Nottingham have spoken of Sherwood Forest. One morning he came with his men to the dwelling of a New York grantee and told him it had been resolved that morning to offer the timbers of his house "as a burnt sacrifice to the gods of the woods," (1) and the sacrifice was made. In the church in Bennington, when the clergyman in a prayer of much detail was rendering thanks to the Almighty for the taking of Ticonderoga, Allen raised his stalwart form in the congregation and exclaimed: "Please mention to the Lord about my being there." (2) He forgot sometimes the wide difference in states of mind between thanking God and boasting; but so did Bismarck and Bonaparte and St. Peter; and all this has led to a cavalier and sometimes derisive and unworthy treatment of him by writers and even historians of high rank. Thus Prof. Fiske, narrating the fall of Ticonderoga and the demand for its surrender, says: "'In the name of the Great Jehovah and the Continental Congress' roared the bellicose philosopher!" (3) If his scalp had been among those of the dwellers between Lake Champlain and old Fort Massachusetts he would have spoken less derisively of the event by which Ticonderoga ceased to represent the terror of scalp-hunting Indians and scalp-buying Englishmen.

(1) (Early Hist. Vt., p. 133.

(2) Memorials of a Century, p. 86.

(3) Am. Rev., E., p. 137.

Nevertheless, as I have said, such things as these do not represent the factor for which he stands in the history of his time. Among commonplace people the spirit of enmity is rarely divorced from the spirit of detraction. They are characters of superior fibre in which an honest antagonism disengages itself from the malice which is gratified by injuring the adversary in his reputation and in public esteem. All America in revolt suffered from this at the hands of the English; all the people of the New Hampshire Grants experienced the same injury from those of New York who had more open and facile communication with the world at large and with the colonial society and political assemblies; and Gen. Allen especially, like a lightning rod, drew to himself from many quarters the fiercest bolts of this fiery spirit. He was in truth a man of education, reading and information far beyond many of the public men of the country; endowed with an acute and robust intellect; capable of and accustomed to sustained processes of reflection and reasoning, and given to thought upon philosophy, theology and upon social and civic duties as well as rights. His acquirements were gained chiefly by his own study, with labor upon subjects that engaged his interest. When his father died he was pursuing classical studies, with the view of preparation for college. "In my youth," he says, "I was much disposed to contemplation "and at my commencement in manhood I committed to "manuscript such sentiments or arguments as appeared "most consonant to reason I was deficient in "education and had to acquire the knowledge of grammar "and language, as well as the art of reasoning, principally "from a studious application to it; which, after all, I am

"sensible, lays me under disadvantages, particularly in matters of composition; however, to remedy this defect, I have substituted the most unwearied pains." Knowing as we do that the college can but give men opportunity, and that the achievement of education is the result of one's own thought and effort, he exhibits more evidence of a creditable struggle than numerous uneducated graduates of universities who would assume to deride his literature. His closest friends and intimates were the best men of the community in which he lived, and he enjoyed the friendship and association of such men as St. John de Crevecoeur, and of Dr. Thomas Young.

That his opinions should have been declared groundless, his reasoning fallacious, his rhetoric and conclusions offensive, by the clergy of the day, is not remarkable, for his faith, though deep-rooted and firm, was at variance with theirs and he not only had no care to conceal the difference, but was guilty of an imprudent want of respect. Nor, on the other hand, were their observations upon him distinguished always by the most graceful exhibitions of spirit and language. He held a monotheistic belief in God; he believed in immortality of the soul, and in future penalty for violated law, but not in the least in inspiration or in a revelation. His tenets seemed not to have differed greatly from those of Jefferson, Franklin, perhaps of Washington, and of an infinite number of intellectually accomplished men in all ages. Such a man ought not to be accounted "irreligious" by rational and intellectual people. (1) In

(1). In what Prof. Fiske calls his "now-forgotten Oracles of Reason," of which, however, few have not heard, Allen says: "We should so far divest ourselves of the incumbrances of this world, which are too apt to engross our attention, as to acquire a con-

imprisonment at Pendennis Castle, being given to understand that he would be executed for rebellion, and reflecting upon such a death as he was apprehensive of, he wrote: "To be timorous and uneasy as to the event and manner of it was inconsistent with the character of a philosopher and soldier As to the world of spirits, though I knew nothing of the mode or manner of it, I expected nevertheless, when I should arrive at such a world, that I should be as well treated as other gentlemen of my merit." By those whose conceptions of final responsibility and judgment are fitly represented by the sculpture that arches the portals of the great Gothic cathedrals, and by all men like Endicott and Norton and the Mathers, this would have been, and by many was, characterized as the reckless and irreverent speech of a thoughtless man; but he wrote seriously, and to many at the present day it might seem, as it certainly did to him, the expression of a sentiment founded upon reflection and upon a consistent conviction of philosophy.

His views and his abrupt expression of them came from the constitutional honesty and candor of his character.

sistent system of the knowledge of our duty, and make it our constant endeavor in life to act conformable to it. The knowledge of the being, perfections, creation and providence of God, and the immortality of our souls, is the foundation of our religion."

"As true as mankind now exists, and are endowed with reason and understanding, and have the power of agency and proficiency in moral good and evil, so true it is, that they must be ultimately rewarded or punished according to their respective merits and demerits; and it is as true as this world exists, and rational and accountable beings inhabit it, that the distribution of justice therein is partial, unequal and uncertain; and it is consequently as true as that there is a God, that there must be a future state of existence, in which the disorder, injustice, oppression and viciousness which are acted and transacted by mankind in this life, shall be righteously adjusted, and the delinquents suitably punished."

The great increase which came to the eighteenth century in knowledge and the means of critical judgment led too rapidly to the conclusion that everything not rationally explicable must be brushed away. The broader information and deeper judgment of the nineteenth century have shown, while the standard of criticism has grown even more strict, and there has been no recurrent movement, that countless hasty conclusions must be suspended or revised, and that more account must often be taken of mental and religious phenomena too persistent to be ignored though too obscure for explanation. "We hear the bells but do not know where they are." In his freedom-loving and fetter-hating spirit, however, he shared the active thought of his own century. He thought it a universal duty to look every true thing in the face, to clear away every illusion; and he believed this policy contained the best germs of secure development and progress. But to the articles of faith to which he held, he clung with unswerving fidelity, and they were all in the line of belief in the Deity and his moral government, and of self-subordination to high principles of moral obligation.

I believe his language and manners were not so very different from those of many others, and that the ill-repute that has been assigned to him is the product of those people in New York whom he thwarted and disciplined, and of those classes in Vermont whose hostility or apathy he worried and overcame; and it would be profitable to refer to the records of the courts for the choice expressions for which the sensitive opponents of the new State were arraigned in south-eastern Vermont under the statute, for punishment for "defamation." (¹) Of these sorts were the

(¹) Hist. Eastern Vt., pp. 331, 411.

people who were most keenly alive to the ungentleness of speech of Ethan Allen ; nor was a similar spirit wanting to the clergy and church people whose sensibilities and opinions he treated, as has been said, with disrespect, probably inexcusable and certainly indiscreet. He dearly loved to shock their opinions, and heckle their most hallowed associations. Riding one cold, frosty morning on his great horse, from Sunderland into the street of Manchester and meeting his friend, Deacon Isaac Burton, he exclaimed "Good morning, Deacon! we need a little of your brisk hell-fire about our ears this morning." He doubtless enjoyed it infinitely, but the deacon did not. When at the court of William and Mary the founding was proposed of William and Mary College, on the plea that Virginians had souls as well as Englishmen, Seymour, the attorney-general, replied : "Souls! d——n your souls! Make tobacco!" This was some years earlier, but it was at the court of England, and he was the attorney-general, and would have been accorded the obsequious smile of servility at Albany and Brattleboro by those who have filled the world with the clamor that General Allen was uncouth in speech and coarse and profane. The same men who shudder when they cite Allen's proclamation at Guilford, flash their eyes with national pride when they tell of Farragut's order from the rigging at Mobile, and Porter's from the wheel-house of the Malvern, at Fort Fisher. It was he who chiefly drafted the correspondence and proclamations and other state documents on behalf of the Vermont authorities, and if their language was vigorous their propositions were rational and not easily misunderstood. Nothing has been added to the body of the legal argument by which the claims of New York were combatted,

nor have the clearness and force of their statement been improved upon. Gov. Tryon may have felt that he was dealing with men who spoke but the simple and ominous truth when Allen for himself and Warner and Remember Baker and others announced to him: "Be it known that "we will not be fooled or frightened out of our property, " . . . and that person or country of persons are "cowards indeed if they cannot as manfully fight for their "liberty, property and life as villains can do to deprive "them thereof." (1)

The most distinctive feature of his life is the dominance of the love of civic freedom, and the absolute subordination of personal interest and ambition in his devotion to the public issues he championed. This is not mere eulogium; it is the truth of his record. Let us do justice. He saw quicker and saw farther than most men, and was prompter in action. In comparison an appreciable part of the public was an open-eyed laggard which he drew along with him. In the obscure light which falls upon the details of public sentiment in those days he can be plainly enough seen not only as a thorn in the side of opponents, but, by his insistence, a constant force against, and doubtless a weariness to, the less resolute and alert. The preferment of the more staid and less impatient Warner, on July 26, 1775, to the command of the regiment then raised, was a deep chagrin and mortification; and while it may disclose an apprehension lest an excess of spirit might lead Allen into rashness, it equally illustrates a dull body of inertia against which he had to contend. But though he knew that his own personality was a factor of importance he did not sulk

(1) St. Pa., pp. 49, 51; 1 G. & C., p. 478.

in his tent. He joined General Schuyler as an officer, though without a commission, raised and commanded a force of 250 Canadians, and served with them until his captivity at Montreal. It is an easy *post factum* observation which accounts that to be an instance of imprudence which justified the preferment of Warner. So Gen. Ward and the Massachusetts soldiers, except the little remnant that stood by Prescott in the redoubt, talked of Putnam and Bunker Hill until the prodigious moral effect of that affair became apparent. Then everybody vaunted and claimed the glory of it. It is felt that Washington's judgment of men was almost unerring. Observing Allen closely at Valley Forge he wrote of him :

"I have been happy in the exchange and a visit from Lieut. Col. Allen. *His fortitude and firmness seem to have placed him out of the reach of misfortune.* There is an original something in him, *that commands admiration* ; and his long captivity and sufferings have only served to increase, if possible, his enthusiastic zeal. He appears *very desirous of rendering his services* to the states and of being employed ; *and at the same time he does not discover any ambition for high rank.* Congress will herewith receive a letter from him, and I doubt not they will make such provision for him, as they may think proper and suitable."

Congress conferred upon him a brevet commission of colonel in the continental army and provided for his pay from the time of his captivity. He was always the rallying point of a multitude of brave and high spirited men, who had a cause to maintain upon principles that were not vulgar, and who were not demeaned by the selfish pursuits that were too common in the revolutionary colonies.

No more critical questions of statecraft can arise than those that beset the leaders of this people when, in 1774, the menacing shape of the revolution rose into view upon the convening of the colonial congress in Philadelphia. They were on the imminent verge of open war against the royal authority acting in the province of New York, when the connection of that province with the crown was thus suddenly shaken. What course was Vermont to pursue? Entirely unentangled, her people might rightfully stand upon their allegiance, and making terms with Great Britain, have held aloof from the conflict. They never lost sight of this. Governor Chittenden stated and insisted upon it to the President of Congress at a later date, ⁽¹⁾ and the political questions which otherwise vexed the situation were afterwards presented clearly by Allen in his "Vindication"⁽²⁾ of Vermont and of its right to form an independent state, which was adopted and published by Vermont and submitted to the Congress of the United States, and to the general assembly of every state, and to the generals and other principal officers of the continental army. One seems at times to be reading again in Thucydides the speeches of the Greek colonies to Athens and to Lacedaemon. They were drawn they said, by "the ties of consanguinity, personal acquaintance and friendship to the New England governments from which they had come." "The battle of Lexington almost distracted them" writes Allen. But they were dwelling under the very guns of Ticonderoga and Crown Point, and

⁽¹⁾ St. Pa., p. 120.

⁽²⁾ A Vindication of the Opposition of the Inhabitants of Vermont to the Government of New York, and of their Right to Form an Independent State. Humbly submitted to the impartial World. By Ethan Allen. Printed by Alden Spooner, 1779, Printer to the State of Vermont.

they had the long frontier of the lake and a northern boundary of more than one hundred miles exposed to invasion and rapine by the British army in Canada and by the horrible hordes of savages; and neither New York nor the United Colonies ever did aid them in protecting this frontier. Then if they joined with the colonies, to aid their revolt, what would become of their controversy with New York, and claim of independence already submitted to the King, if the colonies failed? And if the colonies should succeed what would *they* do with that claim, as against New York? And if (as usually results in such cases) "an accommodation should take place, and the colonies return to their former allegiance—what would then become of them or their remonstrances against the government of New York lodged at the Court of Great Britain?" But there was no hesitation in the course it was determined to pursue. Constrained by their New England associations they determined at once to support the cause of the colonies, but to do so *from the standpoint of their own political independence*, and not in association with New York or under the authority of any other government on earth except the Congress of the United Colonies. At this moment an event which crystallized in an instant the sentiment of the entire State suspended for the time being all other issues for the one American cause of civil liberty and independence.

The special controversy with New York chiefly concerned the region west of the mountains, but the sentiment of sympathy with the fortunes of Connecticut and Massachusetts were common to the whole people. The colonial resistance was not begotten by any actual burden of oppression, but by a quick insight into the nature

of the movement then started by the arbitrary instincts of a German king. That movement was reactionary, and was intended to cancel insidiously what English history had gained since the expulsion of the Stuarts, and to import into England the absolutism of the old German States. The initial details, first felt in the colonies, produced there a rising of the stream of English civil thought against those obstacles of mediæval absolutism. The provincial assembly of New York had utterly refused to approve the resolutions and articles of the colonial congress which met at Philadelphia on the 5th of September, 1774, which were a defiance of royal authority and almost a declaration of independence. Elsewhere the convening of that congress produced an almost universal suspension of royal authority throughout the colonies, and everywhere the "courts of justice were either shut up or adjourned without doing any business;" ⁽¹⁾ but the royal provincial court from New York had appointed its session at Westminster on the New Hampshire Grants on the 13th of March, 1775. Considering "*themselves under the strongest obligations to resist and to oppose all authority that would not accede to the resolves of the Continental Congress.*" many thought it "most prudent to go and persuade the judges to stay at home." ⁽²⁾ Accordingly, some forty men went to dissuade the chief judge, Thomas Chandler, at Chester, from attending the court, and "one of the committee" told him that the sheriff would come with armed men and there would be bloodshed. When the members of the court arrived the court-house was held by eighty or ninety men ⁽³⁾

⁽¹⁾ Williams Hist. Vt. ; St. Pa. p. 55.

⁽²⁾ St. Pa., p. 56.

⁽³⁾ Early Hist., Vt., p. 191.

who had occupied it, and who when the sheriff ordered them to disperse or he "would blow a lane through" them, told him to "fire and be d——d", and refused to withdraw. They held the court house quietly during the day, but in the night an attack was made under the command of the sheriff, and in the affray William French and Daniel Houghton were fatally shot and a number of others severely wounded. These with many others were dragged to the jail, and there on the floor, with his five wounds undressed, French died, and Houghton died nine days later. The first blood in resistance to the German absolutism of King George III. had been shed on the 13th of March at Westminster. But the people were gathering while French lay dying on the jail floor; the judges and other officers of the King's court were themselves quickly under arrest; in a few hours the street of the little town swarmed with nearly five hundred men and soldiers, among them Robert Cochran at the head of more than forty of his Green Mountain Boys. ('). Had these been men and soldiers of Athens or of Lacedaemon or Thebans, there would have been no royalists in Eastern Vermont for the rays of that evening sun to fall upon; but though they were self-restrained New England men, a watchful respect for them, and a certain fearful looking for of judgment shadowed always thereafter in that region the royalists and other opponents of Vermont.

This suppression of the royal provincial court was a blow aimed at the sovereignty of England as directly as was that at Lexington five weeks later; nor is any difference discernable, as has been claimed, between the motives dominant on one side of the mountains and those on the

(') Hist. East. Vt., p. 224; Early Hist. Vt., pp. 192, 460.

other. The refusal of New York to approve the resolutions of the colonial congress unified, while that attitude continued, the sentiment of the whole people. The epitaph of French proves the understanding of the people of Eastern Vermont in their opposition to the sitting of that court. The motive in Western Vermont was the same. There was no doubt what Robert Cochran meant when his Green Mountain Boys marched into Westminster, nor when they carried to Northampton jail the arrested officers of that court. That they were already taking a hand in the revolt of the colonies, is shown by the fact that John Brown's letter, written on March 29th from Montreal to Samuel Adams and Joseph Warren, three weeks before the affray at Lexington, stated that the people on the New Hampshire Grants *had then already engaged* to take Ticonderoga.⁽¹⁾ Brown had sometime before passed through Bennington from Pittsfield, and had conferred with the "Grand Committee" of the Grants, and doubtless with Allen himself, and they had given him Peleg Sunderland to be his guide to Montreal. This project of attack on Ticonderoga was hostile to England, not New York, and marks a situation which even *antedated* the tragedy of Westminster. It was "one common cause," represented alike at Westminster and at Ticonderoga and at Lexington and by the "resolves of the continental congress" at Philadelphia.

To the menace of Ticonderoga and of Crown Point the inhabitants of the New Hampshire Grants were more keenly alive than any other people except those dwelling east of the Hudson river in New York, and north of Albany, whom they had always sheltered and protected. These forts con-

(1) Early Hist. Vt., p. 193.

trolled the entrance by Lake Champlain, and the eve of war with England revived in memory the horrid shapes that had been the terror of the Wilderness before its settlement. The public feeling concerning these forts has been vividly stated by Allen himself; and while probably the prudence of seizing them before they should be re-inforced had occurred to minds in several quarters, the first suggestion from elsewhere upon that subject is in the foregoing statement of John Brown of Pittsfield in the letter from Montreal, that "the people on the New Hampshire Grants *have engaged to do this business* ; and in my opinion they are "the most proper persons for this job." The early controversies had brought into existence that effective military organization called the Green Mountain Boys. Their origin and first organization is obscure, but it occurred in the early days of the settlements on the Grants, for they were organized into a regiment in 1771. (1) Their commander was Ethan Allen. Many of them were old rangers who had served under Stark and Putnam and Rogers. They were inured to hardship, vigilance and discipline and were ready on an instant call from Allen for the advance upon Ticonderoga. With despatch but with secrecy the enterprise was moved. Substantially the force was to be raised from the scattered settlers on the Grants, and word must be rapidly passed to them, at the latest hour, of the enterprise for which they were to rally. Out through the wilderness, to every lonely spot where dwelt a Green Mountain Boy, flew in hot haste the messengers of Allen. Possibly one whom fame has neglected may be a type of them all. When the lanterns swung from the steeple of Christ Church in Boston,

(1) Early Hist. Vt., p. 128.

Paul Revere rode out some thirty miles on horseback, over a good road, and warned the people along the way that the British troops were moving out toward Concord. When Israel Putnam heard of the affray at Lexington, he left his team in the field at Pomfret, and rode the next morning at sunrise into Cambridge, having ridden the same horse, says Bancroft ⁽¹⁾ a hundred miles in eighteen hours. But he too, went on horseback, and over good roads. Gershom Beach went on foot from Castleton, and in twenty-four hours went sixty miles through the roadless forests and over hills and unbridged streams bearing his message of inspiration, on through the towns of Rutland, Pittsford, Brandon, Middlebury to Shoreham, warning a settler here and another there, gathering them at a little cove on the shore of the lake opposite Ticonderoga. They hastened singly or in groups of two or three; and when the sun rose on the morning of the tenth of May, the flag of all-conquering England had been lowered in an English fortress for the first time to American soldiers, and Ticonderoga with one hundred and twenty cannon, and stores and arms and prisoners of war, was in possession of men of Vermont and of Ethan Allen. It is said that some one asked why the Jews were the chosen people, and received the irreverent reply: "Because they wrote 'the book'". Writing the record themselves they were not going to present Phoenicians of Tyre or Assyrians or Chaldeans as "the chosen people". Boston wrote the book that made the record of the first days of American revolt. Had it been otherwise we should have heard something more of Westminster, and of Gershom

(1) Vol. VII, p. 315.

Beach, as well as of Attucks and the boys of Boston Common, and of Paul Revere.

The defense of Bunker Hill came about five weeks later, on June 17th. Events were moving rapidly, quite as rapidly as the minds of men were prepared to realize their significance. The waters of revolution were growing deep around the feet of the inhabitants of the Grants, and a careful review of their position, and of the standpoint from which they were to act in common cause with the colonies was forced upon the public mind. The range of action was growing wider than the governmental scope of the local conventions and councils and committees, and the necessity of a single government for the entire territory was growing exigent. ⁽¹⁾ Thus, to define the basis upon which they would support the cause of the colonies, and to frame a single government of their own, were the two matters instantly in hand. From Arlington on December 10, 1775, was sent a call by a "committee", of the appointment and authority of which we have no record, ⁽²⁾ for a meeting of the inhabitants west of the Green Mountains, "by their delegates from each town, at the house of Mr. Cephas Kent in Dorset," on January 16th, 1776, in order among other things "to see whether the convention will consent to associate with New York *or by themselves* in the cause of America."

Ethan Allen had been taken prisoner on the 25th of September, 1775, by failure of his expected support in his attack upon Montreal, in which he doubtless thought by one grand stroke to brilliantly advance the common cause and to equal if not exceed the renown of his capture of Ticon-

⁽¹⁾ Allen's "Vindication" 1 G. & C., p. 464.

⁽²⁾ 1 G. & C., p. 13, n 2.

deroga. His painful captivity continued until the 6th of May, 1778, so that for the period of nearly two years and eight months he was a prisoner, and without direct participation in those proceedings in Vermont which resulted in its declaration of independence, its adoption of a constitution and the first organization of a state government. But the idea of separate political entity for Vermont had taken form in his mind and in the minds of others, long before his captivity. Early in 1774 the Act of the Assembly of New York which made outlaws of Allen and Warner and Cochran and Breckenridge and Baker and others produced a resentment of intense bitterness. They said it was "in substance a declaration of war against them and declared them 'out of protection'". (1) An immediate effect of this legislation was the idea conceived by them to have the New Hampshire Grants formed into a royal government as a new province. We can fairly well trace the origin and development of this conception. On the 11th of April, 1775, the meeting at Westminster of committees from certain townships adopted resolutions which disclose the inspiration if not the authorship of Ethan Allen. They have a coloring drawn from him, analogous to what Carlyle called "the correggiosity of Correggio", and he was made one of a committee to petition the king to be taken out of the jurisdiction of New York and either annexed to some other province "*or erected and incorporated into a new one.*" (2) Then a scheme was projected in connection with Philip Skene for avoiding the jurisdiction of New York by erecting the Grants and a portion of New York into a new

(1) G. 6., pp. 465-6, 480-1.

(2) G. & C., p. 338; Early Hist. Vt., p. 195.

province, and for that purpose Skene went to England. ⁽¹⁾ Such a proceeding found precedent in each of the royal provinces and conspicuously in the adjoining ones of New Hampshire and New York. The incipient stages of the revolution put an end to this, but the *transition* to the *thought* of a separate and integral government, to stand on an equivalent footing with the other colonies, which, repudiating Great Britain, were preparing to stand as sovereign but allied states, was immediate and natural. The idea of erecting the New Hampshire Grants into a separate province was certainly in the minds of Allen and his associates at least as early as that 11th day of April, 1774, and its public expression was associated with the act of outlawry of March 9th, 1774, which was directed primarily against him. The call for the Dorset convention of January 16th, 1776, which was sent from Arlington December 10th, 1775, recited still earlier calls specifying a little earlier date. But certainly the purpose for which that convention was thus called had already long been agitated and the captivity of Allen did not occur until the 25th of September. He was not, therefore, unconnected with the original project of forming a new government separate from all the others and as independent as they. He was a living part of that project when he fell into captivity, and perhaps largely its author. No other mind in that community was so alert or ran so far in advance as his, with the companionship of Chittenden. They two remain perpetually the representative types of modernity and advance. The news of the battle of Lexington in April, 1775, he says "almost distracted" the minds of a people who were zealous to aid the colonies, but were

(1) 2 Williams Vt., p. 27; Thompson's Vt., Part 2, p. 28.

more than reluctant to endure the jurisdiction of New York or to qualify their original independence; and that raised at once the very question which was formulated for the Dorset convention called for January 16th, 1776.

There was no precedent for the demand presented by that convention that the colonial congress should recognize that the territory whose bounds they specified might "*act by itself*." Underlying it was the doctrine, never lost sight of, that, in the language of Col. Allen, "they were free and unconnected with any state or body politic"; and that "they were a people between the heavens and the earth, as free as is possible to conceive any people to be".⁽¹⁾ The proposal to act by the side of the colonies as such a people was a spark struck out of darkness. It cannot now be told in whose mind it first gleamed. It bears the aggressive and enterprising stamp of Ethan and Ira Allen. It was a conception kindred to that attributed to Ira Allen in the Council of Safety which by confiscation of tory estates created an armed regiment in a fortnight, and alone made possible the stand at Bennington and the check of Burgoyne. We idealize the unanimity and resolution of the people at large of that time and attribute to all the qualities of a dominant few. The feelings of individuals were then as diverse as the exacting interests of the hour. The men who led in public affairs had to deal with opposing opinions, with vulgar motives, with timidity, and worse than all with inertia. For them it was a steep road between precipices, beset with physical and political dangers, and to walk it required vigilance, courage, and that infinite discretion which must go hand in hand with the air of boldness, and

(1) 1 G. & C., pp. 463-4.

even with that audacity which always distinguished Allen and made him a potent and unrelaxing force.

The conception of an independent sovereignty and the movement to carry it out originated in Bennington county, and the point of action was at Dorset.

A convention which convened there on July 24th, 1776, after successive adjournments, met on the fifteenth of January, 1777, in the Court House at Westminster, and there it voted with no dissentient voice "that the district of land commonly called and known by the name of New Hampshire Grants be a new and separate state." Two days later, on January 17th, 1777, that convention formally proclaimed for Vermont its independence of Great Britain and of all other governments claiming jurisdiction. (1) It appointed a "committee of war," and ordered temporary provision for the internal police of the State. On a subsequent adjournment, in June, it appointed a committee to present a draft of a constitution to a convention to be called and held at Windsor on the 2d of July, and then proclaimed, in phrases that would give unusual dignity and grace to the utterances of any governor of later times, a day of fasting and prayer. The convention appointed a "Council of Safety," to act until the election of a legislature, and adjourned.

The conduct of affairs passed then to the Council of Safety. As the great point of danger was in and near Bennington county, the council was under necessity to sit there constantly, to be effective. (2) At Bennington and Manchester its sessions were held; and in the parlor of the

(1) St. Pa., p. 96.

(2) 1 G. & C., p. 73.

old Catamount Tavern at Bennington the words "Council Room" were carved into the great stone over the fire-place and remained there until the historic building was burned on the 30th of March, 1871. Significant indications of the loyal sentiment of its members to the cause of the United Colonies, (which had asked and accepted their assistance, but had given rude rebuff to their petition for recognition of independence), and of their line of thought even then respecting some phases of their situation, are given in the correspondence between the Councils of Safety of Vermont and New Hampshire, which led to the arrival of Gen. Stark and his troops at Bennington and to the victory there of the 16th of August, 1777. The address, dated "In Council of Safety, State of Vermont, Manchester, July 15, 1777," proceeds :

"This state, in particular, seems to be at present the object of destruction. By the surrender of the fortress of Tyconderoga, a communication is opened to the defenceless inhabitants on the frontier, who, having little more in store at present than sufficient for the maintenance of their respective families, and not ability immediately to remove their effects, are, therefore, induced *to accept such protections as are offered them by the enemy*. By this means, those towns who are most contiguous to them, are under the necessity of taking such protection ; *by which the next town or towns becomes equally a frontier* as the former towns before such protection ; and unless we can have the assistance of our friends, so as to put it immediately in our power to make a sufficient stand against such strength as they may send, it appears that it will soon *be out of the power of this state* to maintain its territory."

"This country, notwithstanding its infancy, seems to be *as well supplied with provisions for victualing an army, as any on the continent*; so that on that account we cannot see *why a stand may not as well be made in this state*, as in the Massachusetts; and more *especially as the inhabitants are heartily disposed to defend their liberties.*"

"You, gentlemen, will be at once sensible that every such town as accepts protection, is *rendered at that instant incapable of* affording any further assistance; and what is infinitely worse, as some disaffected persons eternally lurk in almost every inhabited town, such become doubly fortified to injure their country. Our *good disposition to defend ourselves, and make a frontier for your state with our own*, cannot be carried into execution without your assistance. *Should* you send immediate assistance, we can help you; and *should* you neglect till we are put to the necessity of taking protection, you know it is in a moment out of our power to assist you."

The course of events and the obvious fact that the resolution of Vermont in respect of its independence was unyielding, seems to have tempered the spirit of the legislature of New York; and the proclamation of Governor Clinton of February 23rd, 1778, proposed what he assumed to consider "overtures" concerning the titles to property which had originally been the subject of controversy. There are many who never tire of reflections with an air of superiority upon the severity of what they call Puritan life in New England, and the austere observance of the New England Sabbath. As is usual extremes are given as general types, and there is always an egotistical confidence and complacency in one's judgment of the manners and

opinions of other communities and times by their degree of conformity to our own. But we know from Bancroft what sort of people dwelt in Bennington, for example, which Ethan Allen called "Holy Hill"; and I believe there are few New England boys of fifty years ago who can recall, without a sensible melting of the heart, the toning in the fair days of summer and autumn of the church bells, and the sweetness of the calm and serenity of a New England Sunday. I never knew one who would willingly replace those recollections with those of Italian or French festivities, the music of the gardens of Munich or Vienna, or the bull fights of Spain. But on the 31st of May, 1778, the Sabbath peace of Bennington was rudely broken in upon. Colonel Allen, by exchange of prisoners, had been released from captivity on the 3d of May. From New York he had gone across New Jersey, hailed with enthusiasm along his way, to visit Washington in the camp at Valley Forge. There at the foot of Mt. Misery he was treated with gratifying distinction by the commander-in-chief and his officers, among whom were Lafayette and Steuben and Putnam, and Gates with whom he rode to Fishkill; and on Sunday, the afternoon before the first day of June, he arrived unexpected at Bennington. The ordinary restraints of the day yielded to the public impulse of welcome and honor; and it is impossible that his soul was not exalted with pride when, with his feet again on "Holy Hill" he met the greeting of the people who had gathered in the town, heard on that Sunday evening and again on Monday (1) the salvos of the one cannon saluting him and the politically organized

(1) De Puy, p. 278; Ancient Woodbury, p. 422; Early Hist. Vt., p. 278.

State of Vermont, and looking backward saw that his miserable captivity had not been suffered in vain. He addressed himself immediately to the work in hand as he found it, and that work was the disposition to be made of the proclamation of Gov. Clinton of the previous February. To him was assigned the reply to that ostentatious and insidious state paper. He replied with such force of analysis and argument as must have convinced Clinton that he was still, like Tryon, dealing with men who would "neither be fooled nor frightened out of their property." Arguing astutely the questions of legal and political right involved, he finally, writing from Bennington, August 9th, 1778, said: "The 'main inducement I had in answering you was to draw 'a convincing proof that *the best and only possible way . . . is to maintain inviolable the supremacy of the legislative authority of the independent State of Vermont.* 'This at one stroke . . . makes us free men, confirms 'our property, and 'puts it fairly in our power to help our-selves' to the enjoyment of the great blessings of a free, 'uncorrupted and virtuous civil government.'"

The preliminary period of obscure form and administration of government ended at the assembling, at Windsor, March 12, 1778, of the first legislature elected under the constitution. From that time there was an organized institution of civil government founded on conditions which are recognized as conferring sovereignty. The establishment of its authority, the suppression of antagonism to its peaceful and effective operation throughout its asserted jurisdiction, is an independent chapter in the history of Vermont. The standard of independent statehood was never lowered; but, throughout the chapter, the reinforcement of the exec-

utive administration, of the jurisdiction and process of courts, and of the internal police, furnished by the personal character and conduct of Allen, is of dramatic and philosophic interest. The impulse toward a new state sprang from the antipathy to New York and its jurisdiction, and was strongest west of the mountains. East of them, an easy adjustment of land titles, and a wider removal from the obnoxious systems of tenancy had begotten an apathy easily fostered by Gov. Clinton into active loyalty to the jurisdiction of New York, and a corresponding opposition to the establishment of a separate one. This antagonism concentrated itself in south-eastern Vermont, and chiefly within a few towns such as Marlborough, Guilford, Halifax, and Brattleboro, and finally became there intensely vicious and aggressive. It took every reactionary form that was possible—resistance to military service, even in the cause of the colonies, under the new State; resistance to taxation; denial of the jurisdiction of the courts; the disturbance by violence of the magistrates when in session ⁽¹⁾; resistance to execution of their processes; and injurious assaults upon the officers of the law. The encouragement of energetic support which the legislature of New York extended to these "malcontents" was not made good, though Gov. Clinton issued among them commissions under which they acted in forming a regiment ⁽²⁾ which they pretended attained the force of nearly five hundred men. But the State of Vermont was in no mood to sleep upon its asserted rights or upon its powers; and toleration of so flagrant an assault upon its authority involved inevitable contempt and practi-

(¹) Hall. East. Vt., p. 316.

(²) 1 G. & C., p. 298.

cal abdication. Since Col. Allen's return a dread lest he should move into the south-eastern towns to break down this opposition had overshadowed the recalcitrants of that region. He had declared that Vermont should be established as a State be the cost what it might; and, when, in early May, 1779, Gov. Chittenden, as "Captain General" ⁽¹⁾ ordered him ⁽²⁾ to move with a military force into Cumberland county and remain there during the approaching session of the superior court to assist its officers in the execution of their functions, thirty-six ⁽³⁾ persons, including the most prominent men of the hostile party, and all the principal officers of their regiment, were taken into arrest and confined for trial at Westminster for resistance to the execution of the laws providing troops for guarding the frontier settlements against British invasion in the campaign then opening. His procedure in executing the mission for which he was detailed, and the representation of it by the writers of that history, are valuable for illustration.

It is said that a force varying from 200 to 350 men lay under arms at Westminster during the week of that trial. The prisoners, says their friendly historian "were generally men of note and influence, and among them were some of greater ability than those who were to pass judgment upon their conduct." ⁽⁴⁾ On the second day of the trial Col. Allen learned that upon one ground or another the indicted men were being discharged, and that half a dozen had already been thus set free. He entered the court room, in

⁽¹⁾ 1 G. & C., p. 300.

⁽²⁾ 2 Williams' Vt., p. 188.

⁽³⁾ East. Vt., p. 339.

⁽⁴⁾ East. Vt., pp. 343-4.

military dress as he came from his command, made his way through the press of people, and bowing to the chief justice, Moses Robinson, addressed the court. The chief justice informed him that the court would gladly listen to his remarks as a citizen, but that he might not address them in military costume or as a military man. Acquiescing in this he promptly removed his military hat, unbuckled and laid aside his sword, and again addressed the court. He said in effect that he had come fifty miles through the woods with his brave men to support the civil authority of the State with the arm of military power, to quell disturbances should any arise, and to aid the sheriff and the court in the execution of the authority of the State in the trial then proceeding; and he warned the court to be on their guard lest, as appeared to be taking place, the wiles of lawyers should beguile them when the sovereignty of the new State was at stake. Thereupon he resumed his military dress and departed from the presence of the court. Such, divested of exaggeration and of literary illumination, seems to be a simple statement of the event.

Probably no act of his life has given rise to more criticism and aspersion than this. There is no color of ridicule, or charge of insolence in language and manner, of vainglorious bombast, or of high-handed domination, which has been omitted from its representation, and this has chiefly come from the insolent malice of enemies whom he confronted; and his own people have let it go. It may have seemed to his hating adversaries, then on trial and uncontestedly alarmed, an unwarranted interruption, and an intemperate and unseemly speech to the tribunal he addressed, and that in its spirit was arrogance and tyranny and domi-

nation without right; but at all events there was *force of character*. It was needed and it was useful. It reinforced the morale of the court; it repressed the resistance to the sovereignty of Vermont; it strengthened the nerve of its supporters everywhere within the jurisdiction. No judge of the court or other officer made complaint. It was the act of a strong man who comprehended that the solidest foundation of order under the auspices of a new government was its *progress*. The machinery must not pause, but move continuously with steadiness and power. He believed he saw it working tremulously and with hesitation when its permanent sovereignty was at stake, and when its chance of success lay only in its exhibition of unshaken self-confidence and of force not to be withstood. As such an act it had the approval of such considerate men as Gov. Chittenden. When the legislature next convened it publicly, by resolution, thanked the governor and the council for so promptly putting into the field the force that went out under Ethan Allen; it created him a brigadier general; it provided for the payment of the men whom he commanded; and Vermont honors in him, to-day, more than ever, the moral power of a resolute and courageous man who comprehended the exigency of the moment with the instinct and intellect of a statesman.

The resentment of those he mastered at Westminster has found its echo in the partial pages deliberately proposed as "history." "To such a pitch of rage" it is said "were 'the Yorkers incensed by his conduct, that the reluctance 'to shedding human blood was alone sufficient to deter them 'from resisting his petty tyranny, and releasing the prison-

"ers who were guarded by his men." (1) Their wrath we may credit, but the rhetorical nature of this statement is worthy of the Allen of the writer's imagination. Without the aid they were begging from Gov. Clinton they would not have lifted a hand upon Col. Allen and his guards; for they were the same men who afterwards in such lively fashion brushed up the road before him at Guilford. (2) When Timothy Phelps of Marlborough, a man notorious and hated for the vicious violence of his temper, resisted the levy of taxes by a constable of Vermont, and in an access of rage with a blow of his pitchfork "laid the officer senseless on the ground," and brutally left him there, he exemplified, it is said, "the force of the nerved and steady arm of a man determined not to submit without a struggle to a power which he scorned to recognize"; but when afterwards, standing in arrest, he assailed Gen. Allen with noise and vituperation, and claimed to be a sheriff by commission from New York, it was "with his usual roughness" that the commander sent the hat of the brawler buzzing about his ears, and ordering his guards to "take the d——d scoundrel off," rode away. (3) He was in himself a potent force in upholding the new government. When, in August, 1782, a military force was raised to enforce the authority of the State in Windham County the council requested Gov. Chittenden to place it in command of Gen. Allen. (4) He was a constant menace and a terror to the opponents of that authority, in whose presence they dared not trifle. It

(1). Hall. East. Vt., p. 339.

(2). Hall. East. Vt., p. 445.

(3) Hall. East. Vt., pp. 441-4.

(4). East. Vt., p. 439.

was not "vain glory" or "bombast" by which he impressed them. He showed no more of these than Bismarck when he exclaimed in the Reichstag in 1887, "We Germans fear God and nothing else in the world." He had forgotten Jena and the peace of Tilsit. It meant something more grave when Minott wrote to Gov. Clinton that unless he interposed with effective force "our persons and property must be at the disposal of Ethan Allen, which is more to be dreaded than death with all its terrors." Men *believed* what he threatened when, in Guilford, he told them that if he was opposed he would lay the town "as desolate as Sodom and Gomorrah"; and on his first movement of attack they fled, says the same historian, leaving behind them "nothing but the remembrance of their presence and the prints of their retreating footsteps." Something is indicated of his position in public affairs, and of his figure in the eyes of his enemies, by the reply of that step-daughter of Crean Brush, Mrs. Buchanan, whom Allen afterwards married, to landlord Norton at Westminster. "If you marry Gen. Allen, Fanny," said he "You will be the queen of the new State." "Yes," she replied, "and if I should marry the devil I should be queen of hell." He avoided violence but they knew that forcible opposition would bring its corresponding retribution. Certainly he was rude in speech, but less so than many who criticised him, and, compared with his times and people, not so rude as he is represented. He was impulsive and impatient, but not so violent as has been said. He was genial, humorous, great hearted, affectionate and faithful. If he had been more obscure his differences would have been less noted. If he had not been so personally feared and hated by men whom politically he

abhorred, we should have heard less or nothing of his extravagance of manner or speech, or of his disloyalty to governments to which he owed no allegiance, or perhaps of his unorthodoxy. Much of this in our time is a mere survival of the conditions and hatreds of times and people long gone, as rudimentary as the foetal teeth of a whale. Whatever else may be true, it is perfectly clear that in those days of bitterness and of controversy, amidst the hopes of state as well as of national independence, the utterance of his name sounded like a trumpet. Always and everywhere it meant independence, the beating off of shackles from the hands and the intellect, the nobility of citizenship, the complete emancipation and the symmetrical development of manhood.

The proceeding by which after fourteen years of separate government Vermont became a member of the Federal Union, is still another chapter in her history. We are not to follow details of the contest, always resolute and often bitter, which led to recognition by Congress of her political independence; but it is important to our purpose to hold in view for a little while the figure of Gen. Allen in that history. The condition under which the eagles gather together often occurs, but sometimes there may be, through mere voracity, misjudgment among the eagles upon that subject. The hostile look which Congress turned upon the claims of a new government which stamped upon her coins the legend "*Vermontensium Res Publica*" stimulated New Hampshire and Massachusetts to revive old claims to parts of her territory. The appeal of those states to Congress to decide all these questions between them *ex parte* upon *their* separate submission, excluding Vermont from any

representation there, involved *in limine* a decision against the political life of Vermont; and indications compelled belief that New York and New Hampshire were preparing with the aid of Congress to divide Vermont between them by the boundary line of the Green Mountains. ⁽¹⁾ Thereupon Gov. Chittenden addressed the president of Congress, and on behalf of Vermont denied the right of Congress to intermeddle, and repudiated in advance an arbitrament to which she was not a party; and the people that were "not to be fooled or frightened" announced, that after four years of war Vermont "was not so lost to all sense and honor as to now give 'up everything worth fighting for . . . to the arbitrament and determination of any man or body of men under heaven.'" ⁽²⁾ Nevertheless by resolutions of Sept. 24, 1779 and June 2, 1780, which were communicated to Gov. Chittenden, Congress determined to proceed, and "pledged their faith to carry into 'execution their decisions.'" ⁽³⁾ Having laid these resolutions before his council Governor Chittenden, on July 25th, 1780, from Bennington, addressed again the president of Congress, and said to him :

"However Congress may view these resolutions, they are considered by the people of this State, as being, in their nature, subversive of the natural rights which they have to liberty and independence, as well as incompatible with the principles on which Congress ground their own right to independence. Vermont, as before mentioned, *being a free and independent State*, have *denied the authority of Congress to*

⁽¹⁾ I. G. & C., p. 409; St. Pa., pp. 115, 119.

⁽²⁾ St. Pa., p. 116.

⁽³⁾ St. Pa., p. 111.

judge of their jurisdiction. Over the head of all this, it appears that Congress, by their resolutions of the 9th ult., have determined that they have power to judge the cause; which has, already, determined the essence of the dispute; for, if Vermont does not belong to some one of the United States, Congress could have no such power, without their consent; so that, consequently, determining they have such a power, has determined that Vermont have no right to independence; for it is utterly incompatible with the rights and prerogatives of an independent state, to be under the control or arbitrament of any other power. Vermont have therefore, no alternative; they must either submit to the unwarrantable decree of Congress, or *continue their appeal to heaven and to arms.*"

"There may, in future, be a trial at Congress, which of the United States shall possess this territory, or how it shall be divided among them; *but this does not concern Vermont.* And it is altogether probable that there have been proposals for dividing it between the States of New Hampshire and New York, the same as the King of Prussia, the Empress of Russia, and the Empress of Hungary divided Poland between those three powers; with *this difference only*, that the former *are not in possession of Vermont.*"

"Without doubt, Congress have, previous to this, been acquainted that this State has maintained several posts on its frontier at its own expense; which are well known to be the only security, to this quarter, of the frontier inhabitants of the States of the Massachusetts Bay and New Hampshire; and it is highly probable that Albany, and such parts of the State of New York as lie to the northward of that, would, before this time, have been ravaged by the common enemy,

had it not been for the indefatigable exertions of this State, and the fears which the enemy have been and are still possessed of, that their retreat would be interrupted by the troops from these posts and the militia of this State."

"Thus, by guarding the frontiers, has this state secured the friendship of part of the private gentlemen and yeomanry, even of those States whose representatives, it seems, are seeking its destruction. And, having the general approbation of disinterested States, this people are, undoubtedly, in a condition to maintain government; but should they be deceived in such connections, yet, as they are not included in the thirteen United States, but conceive themselves to be a separate body, they would *still have in their power other advantages; for they are*, if necessitated to it, *at liberty to offer, or accept, terms of cessation of hostilities with Great Britain, without the approbation of any other man or body of men*; for, on proviso that neither Congress, nor the Legislatures of those States which they represent, will support Vermont in her independence, but devote her to the usurped government of any other power, *she has not the most distant motive to continue hostilities with Great Britain, and maintain an important frontier for the benefit of the United States*, and for no other reward than the ungrateful one of being enslaved by them. True, Vermont have taken an active part in the war subsisting between the United States and Great Britain, under an expectation of securing her liberties, considering the claim of Great Britain to make laws to bind the colonists in all cases whatsoever without their consent, to be an abridgment of the natural rights of mankind; and it appears that the said resolves of the 2nd and 9th of June, are equally arbitrary,

and that *they furnish equal motives to the citizens of Vermont, to resist the one as the other*; for, if the United States have departed from the virtuous principles upon which they first commenced the war with Great Britain, and have assumed to themselves the power of usurping the rights of Vermont, *it is time, high time, for her seriously to consider what she is fighting for, and to what purpose she has been, more than five years last past, spilling the blood of her bravest sons.*"

"This government have dealt with severity towards the tories, confiscated some of their estates, imprisoned some, banished some, and hanged some, &c., and kept the remainder in as good subjection as any state belonging to the union. And they have, likewise, granted unto worthy whigs, in the neighboring States, some part of the unappropriated lands; the inconsiderable avails of which have been faithfully appropriated for the defence of the northern frontiers; which, eventually, terminates in the support of the interest, and securing the independence and sovereignty of the United States; and, after having faithfully executed all this, have the mortification to meet with the resentment of Congress, circulated in hand bills and the New York public papers, representing their conduct 'in contravening the good intention of Congress, as being highly unwarrantable, and subversive of the peace and welfare of the United States'". ⁽¹⁾

Meanwhile as if by connivance, and with design to compel a reluctant submission to New York, all the continental troops had been ordered out of Vermont; and a report to the legislature discloses that every article belong-

⁽¹⁾ St. Pa., p. 118.

ing to the continental government "had been called for and ordered out of the state, even to pick-axes and spades, at a time when the State was erecting a line of forts on her frontiers"; that abandoning the defence of its own people, New York evacuated its own post at Skenesborough, which "necessitated its own people in that region to petition the State of Vermont for protection;" that thereupon Vermont "reinforced her guards, and directed her scouts to cover that people", (1) and this at a time when, with an extensive frontier of more than one hundred miles in length to defend, she had no adequate force wherewith to resist the 7,000 British troops in Canada. There seemed no course open but to confirm her moral position by bolder exercise of her political power, and by adroit management of a situation which suddenly disclosed itself with England. Reaching out with one hand to the east she called again under her ægis the towns of western New Hampshire which had petitioned her for incorporation, and with the other, on the basis of a jurisdiction alleged to have been established under Philip Skene by Great Britain before the era of American independence, she extended her claim of jurisdiction over all the lands and waters lying east of the center of the Hudson river and south of latitude 45, and north of the Massachusetts line extended to the river, (2) whose inhabitants had also petitioned her for union and protection when left undefended by New York. On April 6th, 1781, thirty-five representatives from as many towns in western New Hampshire took their seats in the general assembly of the State of Vermont, and on the 16th of June representatives of ten

(1) St. Pa., p. 131.

(2) St. Pa., p. 131.

towns of New York also took their seats in the general assembly of Vermont.⁽¹⁾ There is no doubt that this bold and decisive policy impressed with respect her antagonists in the several States and in Congress, and that gaining public confidence and inviting immigration she was apparently laying the foundation of a large and powerful state. ⁽²⁾

In this situation we are given a picture which is not without interest. There is no prettier spot now than the broad and shaded street in Arlington. In that street one day in July, 1780, a man approached and delivered a letter to Ethan Allen. The man was a British soldier in the disguise of an American farmer. The letter was one from Col. Beverly Robinson, dated the 13th of March, 1780, at New York, and directed to Col. Ethan Allen. It was a letter that proposed independent negotiation between Vermont and Great Britain and looked to the establishment of an independent province under the king and constitution of England, and the organization of regiments on the same footing as all of the provincial corps and under such officers as he should recommend. Gen. Allen immediately communicated this letter to the governor and some other confidential persons by whom it was agreed that no answer should be made to it. Afterwards, on February 2nd, 1781, came another letter from Col. Robinson to Gen. Allen enclosing a copy of the first and repeating with more authority the terms of the original letter. To these letters Gen. Allen made no reply; but on the 9th of March, 1781, enclosed them with a letter to Congress, and in that letter,

(1) Hist. East. Vt., p. 403.

(2) St. Pa., p. 141; Early Hist. Vt., p. 345.

asserting as did Chittenden the independent political position of Vermont, he proclaimed as follows :

“I am confident that Congress will not dispute my sincere attachment to the cause of my country, though I do not hesitate to say I am fully grounded in opinion *that Vermont has an indubitable right to agree on terms of a cessation of hostilities with Great Britain, provided the United States persist in rejecting her application for an union with them* ; for Vermont of all people would be the most miserable, were she obliged to defend the independence of the United claiming States, and they, at the same time, at full liberty to overturn and ruin the independence of Vermont. I am persuaded, when Congress considers the circumstances of this state, they will be more surprised that I have transmitted them the inclosed letters, than that I have kept them in custody so long ; *for I am as resolutely determined to defend the independence of Vermont, as Congress are that of the United States* ; and rather than fail, will retire with hardy Green Mountain Boys, into the desolate caverns of the mountains, and wage war with human nature at large.”

In connection with a cartel for exchange of prisoners with Vermont this led to the famed “Haldimand Correspondence” and diplomacy. I understand there are still in private ownership important papers and letters, a part of these negotiations, but not yet accessible. Whatever they may be there is moral certainty that whatever they contain will redound to the honor and sagacity of that extraordinary group of men who then governed Vermont. They were falsely aspersed by their enemies, particularly in South-eastern Vermont, and by the agents of those with whom they were engaged in this correspondence and negotiation.

They represented a state whose autonomy antedated by several years that of any state in the Federal Union. They protected this autonomy by these empty negotiations, and during three years they warded off dismemberment by an extremely prudent Congress, and, aided undoubtedly by a growing weariness of the war in England, (1) confirmed their security from invasion by British forces, which they had no adequate military power to repel; while the reciprocal protection which the colonial government owed to them was altogether withdrawn. Day by day their autonomy established itself, and the hope of breaking it weakened in Congress and in the contending states. Congress indeed became sensible that the exercise of force against the independence of Vermont would endanger the integrity of the Federal Union itself. Steadily the independent government of Vermont strengthened and solidified. Weights and measures and a postal service were established. Her public debt was insignificant and her resources more than adequate. Her bills of credit were not depreciated, but were faithfully paid; and she grew quite unconcerned upon the subject of her recognition by Congress, or that of her admission to the Union. And so the antagonism of her opponents dampened down into amiability; her alliance *as a state* was found to be valuable to New York, to the smaller states, and to New England and to all the northern states as a counterpoise to Kentucky soon to be admitted; and on the eighteenth of February, 1791, without debate or a dissentient voice, she was accorded her place with the original colonies as an independent State of the republic.

(1) Early Hist. Vt., p. 401.

During the entire history of the Revolution, Vermont held before the world the attitude of a free state, independent of Congress and of every colony; a portion of the original domain of England which it had never granted to any one; in conflict as to property titles and as to political jurisdiction with each of its neighbors, but standing side by side with them in their struggle for principles of liberty in civil government, and expending its resources in a common cause with them. Say what men will, it was a *unique* spectacle of magnanimity and courage. It was without a parallel among the states, and perhaps without example in any age. While her public men "attempted to explore futurity but found it to be unfathomable"; (1) while uncertain what the colonies would do as to the autonomy of Vermont if they were successful, or what England would do if they were subdued, the local interest was unhesitatingly subordinated to the general cause of colonial independence in the days of its peril. The original states of the Union can never repay the service of Vermont or yield her too much honor, and probably no other state can ever have opportunity to emulate her magnanimity.

Ethan Allen died in February, 1789, suddenly and in the mid-day of his powers. He was a citizen of Vermont and never a citizen of the United States. He died like Moses upon the border of his land of promise. He was born January 21, 1739 (2) and several places in Connecticut

(1) 1 G & C., p. 448.

(2) On the back of the last printed page of a copy of "The Oracles of Reason" in the State Library of Vermont, is the following entry in the handwriting of Gen. Allen:

"Ethan Allen was born the 21
of January 1739 and Fanny
Allen his wife was born
the 4th of April 1760—
and were married the 16th
of February 1784.

This book is a present from the Author to his Lady."

claim as an honorable distinction to have been his birth-place Woodbury, Cornwall, Salisbury and Litchfield. ⁽¹⁾ He went at one time, with others from Connecticut, to the new commonwealth which that State attempted to found on the Susquehanna river and which they named New Connecticut. From his coming to Vermont he dwelt at Bennington until made prisoner at Montreal September 25th, 1775, and also for a time after his return. Then he dwelt for a little time at Arlington and Sunderland. ⁽²⁾ Then again he lived in Bennington from 1784 to 1786, when he removed to Burlington. ⁽³⁾ He married, in Connecticut, Mary Brownson, who died at Sunderland in February, 1783. She was buried at Arlington ⁽⁴⁾ and a stone that commemorates her is in the church yard there. Later he married a step-daughter of that Crean Brush who in his life-time was so zealous a tory, and so bitter a partisan in his hostility to Vermont. She was the widow of a British officer, one Captain Buchanan, living with her mother at Westminster. High spirited

⁽¹⁾ Cothren's Ancient Woodbury, p. 412.

⁽²⁾ In the Town Records of Sunderland, book 3, page 25, is shown a deed from Samuel Folsom of Sunderland "To Ethan Allen and Ira Allen, Esqrs., of Arlington" for 250 pounds. The deed is dated "this 24th day of March, 1780 and in the fourth year of the Independence of this state."

In the same records at page 26 is another deed from Samuel Folsom "of Arlington" &c., dated "this 30th day of November, 1781, and in the fifth year of the Independence of this state" to "Ethan Allen and Ira Allen, both of Sunderland" &c.

In the same records at page 23 is a deed from Ethan Allen "of Sunderland," &c., to Ira Allen for 300 pounds dated April 10, 1784, by which Ethan Allen conveys to Ira Allen his share of the land described in the first of the foregoing deeds from Samuel Folsom, reciting that it "includes the land we now live on and some outland."

In his Narrative of his Captivity he calls Bennington his usual abode.

⁽³⁾ 1 Vt. Hist. Gaz. pp. 174, 567.

⁽⁴⁾ 1 Vt., Hist. Gaz. p. 135.

and attractive, a dashing and imperious bearing that sometimes startled the steady going people among whom she had come to live, might win with a touch of vanity the admiration of the brilliant and powerful man whom everybody feared but whom she might tame; and the story of that wedding as it has come down may lead us in a lively way into the social life of that time. ⁽¹⁾ The years following the close of the Revolution found him poor, like all his companions in the great struggle of his life. Unlike the colonial governors of New York, no one could exclaim to him as Cato did to Scipio: "How can you be an honest man when you went into Africa so poor, and have come back to Rome so rich?" He had his weaknesses,—he is a tame man who has none—and whoever pleases may explore them and expatiate upon them to his satisfaction. But they were not meannesses; and he had never occasion to justify anything of that sort to himself or to others. He was adored by his troops. Garibaldi, calling for volunteers, when asked what they would receive, replied: "I do not know what else, but you will receive hunger and hardship and fatigue, and wounds and death"; and they answered him "We are your men." Such an answer would Allen always have had from his Green Mountain Boys. The reception and the salutes at Bennington were not accorded except to a man whose character and career appealed profoundly to patriotic and political public judgment. He was a man of sincerity and integrity by constitution, and not merely by force of mental resolution; and there was never a shadow honestly cast upon his patriotism, or upon his energetic hatred of injustice, his love of liberty or his

(1) Ancient Woodbury, p. 424.

valor. All these are imbedded in the traditions of the commonwealth he helped to found; and there was not in the late Civil War a soldier from that state who was not consciously inspired by his memory, and made to feel as he did who exclaimed : "The trophies of Miltiades will not let me sleep."

"The years will come and go, and other centuries die,
And generation after generation lie
Down in the dust ; but long as stars shall shine,
Long as Vermont's green hills shall bear the pine,
As long as Killington shall proudly lift
Its lofty peak above the storm-cloud's rift,
Or Mansfield hail the blue, o'erarching skies,
Or fair Mount Anthony in grandeur rise,
So long shall live the deeds that ye have done,
So deathless be the glory ye have won."

So ran the Centennial poem of Mrs. Dorr; and, Mr. President, one who was born in the village where Ethan Allen lived, who in his childhood knew the house in which he had dwelt, and the old men who in their youth knew him, and who still has a home in that valley, may be gratified by an opportunity to vindicate in some degree the dignity of the antique patriotism of that illustrious man.



LEWIS HAMILTON MEADER.

LOUIS HAMILTON MEADER was born in Ryegate, Vt., April 27, 1851. His boyhood was passed on his father's farm. He attended the district school in his native town, took a preparatory course in the Caledonia County Grammar School, Peacham, Vt., and was graduated from Dartmouth College in the class of 1878. He has taken a post graduate course in Brown University, is a teacher by profession, a member of the Rhode Island Historical Society and President of the Sons of Vermont in Rhode Island.

THE COUNCIL OF CENSORS
IN VERMONT

AN ADDRESS

Before the Vermont Historical Society

— BY —

LEWIS H. MEADER, A. M.

[Read in the Author's absence by the
Secretary of the Society.]

State House, Montpelier

October 18, 1898.

THE COUNCIL OF CENSORS IN VERMONT. (¹)

The territory now included in the state of Vermont was originally claimed by New Hampshire and New York.

In response to a letter from Governor Wentworth of New Hampshire to Governor Clinton of New York, relative to determining the boundary between New York and New Hampshire west of the Connecticut River, the letter dated at Portsmouth, N. H., November 17, 1749, Governor Clinton replied that the province of New York was bounded on the east by the Connecticut River agreeably to the grant made by Charles II. of England to his brother James, Duke of York. (²)

On January 3d, of this year, Governor Wentworth gave a grant of a township in the south-western part of what is now Vermont. This was named Bennington, and was the earliest grant made by New Hampshire. Between this time and December, 1764, one hundred and thirty town grants and six private grants had been made by New Hampshire. New York did not recognize the legality of these grants and efforts were made to place and retain them under the power of New York. Governor Tryon offered rewards for the arrest of Ethan Allen and others, because of their prominence in resisting the claims of New York.

(¹) This paper may be regarded as a continuation of an article contributed by the same writer to the *Pennsylvania Magazine of History and Biography* for October, 1898. In that article the writer discussed the origins of the idea embodied in the Council of Censors, and the instances of its employment or suggestion in Europe, and gave a history of the Council of Censors in Pennsylvania, in which State the institution existed from 1776 to 1790.

(²) Slade, *Vermont State Papers*, p. 9, et seq.

The Vermonters at once banded together to protect the towns of the New Hampshire Grants from interference on the part of New York.

In March, 1775, occurred the riot at Westminster, and after this the towns east of the Green Mountains united in resistance to the claims of New York, and at a meeting in Westminster, April 11, 1775, a resolution to this effect was adopted. (1)

Before July 4, 1776, the citizens of the New Hampshire Grants were mostly loyal to Great Britain; after this date they claimed to be independent, and called a meeting of citizens at Dorset, July 24. An adjournment was taken to September 25, when delegates numbering fifty-one and representing thirty-five towns, met at Cephas Kent's in Dorset.(2) At this meeting it was resolved "to declare the New Hampshire Grants a free and separate district." This vote passed without a dissenting voice. The meeting further resolved as follows: (3)

"We, the subscribers, inhabitants of that district of land commonly called and known by the name of New Hampshire Grants, being legally delegated and authorized to transact the public and political affairs of the aforesaid district for ourselves and constituents, do solemnly covenant and engage, that, for the time being, we will strictly and religiously adhere to the several resolves of this or a future convention, constituted on said district by the free voice of the friends to American liberties, which shall not be repugnant to the resolves of the honorable the Continental Congress relative to the cause of America."

(1) Slade, State Papers, p. 60.

(2) State Papers, p. 66.

(3) State Papers, p. 67.

This Convention adjourned to meet at Westminster January 15, 1777. At this meeting it was voted, "That the district of territory comprehending and usually known by the name and description of the New Hampshire grants," be a new and separate state, "forever hereafter to be called, known and distinguished by the name of New Connecticut." ⁽¹⁾ On January 22, the Convention adjourned to meet at Windsor the first Wednesday in June.⁽²⁾

This Convention met according to adjournment on the first Wednesday in June and voted that a committee be appointed to draft a constitution; "and a resolution was adopted, recommending to each town to elect delegates to meet in convention, at Windsor, on the second day of July following." July 2, the delegates came together and proceeded to consider the draft of the constitution proposed. The constitution was read paragraph by paragraph and adopted without referring it to the people for ratification. There were two reasons for this: 1, It was definitely understood by the towns that the delegates chosen for this convention were vested with all necessary powers for framing a constitution; and, 2, Burgoyne's invasion made it impossible to call the citizens together for purposes of ratification. Moreover, Pennsylvania had adopted a constitution the previous year without ratification, and besides, the theory of popular government was not so far advanced then as to disturb public judgment over such an omission, and particularly since the power that made, was able to unmake, the constitution at will.

⁽¹⁾ See Hiland Hall's *Early Vermont*, pp. 239, 497-500.

⁽²⁾ *State Papers*, p. 79.

In this Convention it was voted that the first election under the constitution should be held in December, 1777, and that the legislature should meet at Bennington the following January.

This Convention had appointed a Committee of Safety as a part of its work, to provide for the defence of the State. Ira Allen, who was to have the constitution printed at Hartford, Connecticut, for distribution to the citizens of Vermont in season for the December election, was unable to carry out his plans, so the Committee of Safety summoned the Convention to meet again December 24, 1777. ⁽¹⁾ The Convention met, made some changes in the constitution, changed the date of the new election to the first Tuesday in March, 1778, and voted that the Legislature assemble the second Thursday of the same month at Windsor. The Legislature met accordingly in Windsor, adopted the Constitution and proceeded with the legislative work of the State. Bennington was the only town in the State that opposed the adoption of the Constitution without its being previously ratified by the people; this objection was dropped.

The source of the first Vermont Constitution can readily be traced. At the Westminster Convention, January 15, 1777, Dr. Jonas Fay, Thomas Chittenden, Heman Allen and Reuben Jones brought in a draft of a petition to Congress relative to the territory of Vermont, based on her declaration of independence and the free action of her citizens in convention assembled. This committee went to Philadelphia and presented their petition to Congress; but

⁽¹⁾ State Papers, p. 80.

in the meantime they fell in⁽¹⁾ with the "red republicans" who had been instrumental in drawing up the draft of the Pennsylvania Constitution the year previous. Dr. Thomas Young, James Cannon, and Timothy Matlack were leaders⁽²⁾ of the radicals in Pennsylvania, and Dr. Young was an old acquaintance of Ethan Allen's while the latter resided in Connecticut. Dr. Young suggested the name of Vermont and in a public letter dated April 11, 1777, and published in a Philadelphia newspaper, he urged the Vermonters to adopt a State organization and seek admission to Congress. As a matter of fact the Constitution of Vermont was an exact copy of that of Pennsylvania, with a few minor changes. Among its provisions was that of providing a council of thirteen censors to be elected once in seven years, to determine whether the laws were duly executed, whether they were constitutional, and whether there were need of a revision of the Constitution. This section, Section XLV., read as follows:

"In order that the freedom of this commonwealth may be preserved inviolate, forever, there shall be chosen, by ballot, by the Freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March, in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the Council is chosen—except they shall not be out of the Council or General Assembly—to be called the Council of Censors; who shall meet together on the first Wednesday of June next ensuing their election; the majority of whom shall be a quorum in every case, except as to

(1) Ira Allen's History of Vermont, p. 86.

(2) Hiland Hall's History of Vermont, pp. 497-500.

calling a Convention, in which two-thirds of the whole number elected shall agree; and whose duty it shall be to enquire whether the Constitution has been preserved inviolate in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people; or assumed to themselves, or exercised, other or greater powers, than they are entitled by the Constitution.

“They are also to enquire whether the public taxes have been justly laid and collected, in all parts of this Commonwealth—in what manner the public monies have been disposed of, and whether the laws have been duly executed.

“For these purposes they shall have power to send for persons, papers and records; they shall have authority to pass public censures—to order impeachments, and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the Constitution. These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this Constitution which may be defective—explaining such as may be thought not clearly expressed, and adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have

an opportunity of instructing their delegates on the subject." (1)

The Constitution of Vermont was launched upon a stormy sea. The colonists were in the midst of a war for their independence; her territory had already been invaded and made the scene of battle. Nor was this all her trouble; for New York was pressing her claims to the territory known as the New Hampshire Grants.

At the session of the Legislature held in Bennington on February 11, 1779, there was a formal ratification of the Constitution and a declaration that this instrument with such alterations or amendments as should be made in the future should be "forever considered, held, and maintained, as part of the laws of this State." (2) At the June session held at Windsor in 1782, there was a second formal ratification (3) which recognized the 45th section of the Constitution as providing the means for further altering or amending the Constitution.

At first the people of Vermont seem to have regarded the Constitution as of no more importance than an ordinary act of the legislature. (4) That the importance of the Constitution as the fundamental law of the State was a matter of growth in the minds of the people of Vermont is borne out by the fact that it was not until November 2, 1796, that the legislature declared the Constitution to be the "supreme law of the land." (5)

(1) Slade, *State Papers*, p. 255.

(2) Slade, *State Papers*, p. 288.

(3) Slade, *State Papers*, p. 449.

(4) Judge Chipman's *Memoirs of Thomas Chittenden*, Chap. V.

(5) Poore's *Charters and Constitutions*, p. 1875.

That this view should have been taken seems reasonable from the nature of the case. Here was an independent community, lately under an exacting monarchy, with its integrity threatened by the demands of a sister commonwealth, now attempting to govern itself by its own laws. The people felt their way until their constitutional light became bright enough for them to proceed with a full measure of conscious strength.

The Earlier Councils of Censors and Conventions, 1785-1836.

The first Council of Censors met in 1785 and held three sessions; one at Norwich in June, one at Windsor in September, and one at Bennington in February, 1786. ⁽¹⁾ This Council renewed the legislation of the previous seven years, proposed a number of amendments to the Constitution, and voted that a convention should be called to consider them.

The convention met at Manchester on the last Thursday in June, 1786, and ratified some of the amendments proposed by the Council. ⁽²⁾ Among these the most important seem to be these: that the legislative, executive, and judiciary departments should be kept distinct; that the people "by their legal representatives" have the sole right of governing and regulating the police affairs of the State; and that the fourteenth section of the Frame of Government should so read as to confer upon the Governor and Council a qualified veto power, and the power to propose amendments to bills passed by the Assembly, with the further

⁽¹⁾ Slade, State Papers, p. 511.

⁽²⁾ Records of the Governor and Council, Vol. I, pp. 84-85. Chipman's Memoirs of Thomas Chittenden, Chap. VIII.

provision that if the Assembly should not concur in these amendments then the Governor and Council could suspend the passage of these bills until the next session of the Legislature. ⁽¹⁾ We believe this to have been the first instance in constitutional history of a written constitution being amended by representatives of the people and at the command of the people.

Vermont was admitted to the Union by the Act of Congress of March 6, 1791, with its Constitution as it had been amended by the first Council of Censors and the Manchester Convention of 1786 and ratified ⁽²⁾ by the state legislature of 1787. Hitherto Vermont had enjoyed the unique distinction of being an independent commonwealth, bound to the Union by no ties save those of patriotic sympathy. She had established and maintained a government, had resisted invasion, had assisted in carrying on the Revolution, and had patiently waited for the opportunity to yield her independence to the end that she might enjoy the privileges and share the burdens of the federal union.

In 1792 another Council met and proposed several radical changes. It was proposed that the Legislature should be made bi-cameral, a Senate taking the place of the "Executive Council"; each town was to have one representative in the lower house provided it had forty families, otherwise two or more towns together having forty families could send one; the Senate was to be based on proportional repre-

⁽¹⁾ Mr. Huse, Revised Laws of Vermont, edition of 1881, p. 57, thinks that the Council may be said practically to have effected a general revision of the Constitution in respect to details and expression.

⁽²⁾ Governor and Council of Vermont, Vol. III. p. 133. Chipman's Memoirs of Thomas Chittenden, Chap. V.

sentation from the counties. ⁽¹⁾ In its address to the people, in 1792, the Council said: "In examining the proceedings of the legislative and executive departments of this government during the last septenary, we are happy to find no proceedings which we judge unconstitutional or deserving of censure." ⁽²⁾ The Convention met at Windsor, July 4-9, 1793, but none of the proposed amendments were adopted. The people of Vermont were slow to adopt the recommendations of the Council of Censors. They had followed Pennsylvania in adopting their Constitution with its single legislative branch and Council of Censors. Pennsylvania had now discarded these two institutions, but conservative Vermont held steadily to her adopted plan.

Even at this early day, however, an idea had begun to take root that the Council of Censors was not worthy of the full measure of confidence which it seemed to possess at first. Dr. Samuel Williams, writing in 1806, in speaking of this body declared that an experience of thirty years had disappointed the people as to the benefits derived from the Council of Censors. He complained of the manner of their election, that it was liable to partisan control, that their proceedings were often characterized by "prejudice, partiality, contracted views and want of comprehension. The assembly often pay but little regard to their decisions and the people still less." He added, "Time and experience will determine what is wanted in this part of our Constitution." ⁽³⁾

⁽³⁾ Williams' History of Vermont, II., pp. 400-401.

⁽¹⁾ Thompson's Gazetteer, p. 125; Slade, State Papers, p. 545-6.

⁽²⁾ Proceedings of Council of Censors, Printed by Anthony Haswell in Rutland, 1792. Bound volume in State Library, Montpelier, Vt.

The third Council of Censors met in February, 1800, but they prepared no amendments to the Constitution. They recommended, however, that the Legislature repeal the act of October 6, 1796, empowering the supreme court judges to deprive a man of his right to vote "for any evil action which shall render him notoriously scandalous." ⁽¹⁾ They also recommended the repeal of the act of October 25, 1797, relating to the support of the gospel, except the first and last sections, as contrary to the third section of the bill of rights in the Constitution. They also took note of a matter relative to a sheriff's charging constructive mileage in serving court papers. The case is not without interest. The Council of Censors ordered the Legislature to impeach William Coley, high sheriff of Bennington county, for taking illegal fees for summoning the grand and petit jurors to serve before the supreme court at Manchester at the February and June terms, 1798. It should be stated that the supreme court judges had approved his charges. The Legislature took the matter up and October 26, 1799, went into a committee of the whole to consider the question set forth by the Council of Censors. This resulted in the appointment of a committee to take up the case of Sheriff Coley; and, November 2, 1799, Richard Hurd reported for the committee, finding that Coley's charges for service of venires on the jurors in question amounted to \$38.27, that the judges regarded it a high price, that they audited it on Coley's representation that he had been obliged to go into several towns to summon the jurors. ⁽²⁾ The committee further reported that as the law required a

(1) Address of Council of Censors, Vermont State Library, p. 11.

(2) Address of Council of Censors, 1800, pp. 12-13.

venire for fifteen jurors, for each petit jury, it was presumable that that number was summoned ; they found that six others were summoned ; that he made two journeys to Dorset and one to Sandgate in quest of jurors. The committee carefully considered his statements and found that he was entitled to \$39.23, a sum larger than he actually charged by \$1.06. It appeared by the report of this committee that Mr. Coley did the work above referred to and personally attended the two sessions of court, and carried one prisoner from Bennington to Manchester—receiving for all the sum of \$53.65. ⁽¹⁾ The Legislature ratified this report and the order of the Council of Censors was dismissed.

At this time a committee was appointed to report what changes should be made in the " Fee-Bill " and, three days later, November 5, 1799, Mr. Josiah Wright for the committee reported as follows :

"That upon examining the law, [the committee] are of opinion it cannot be construed so as to give an officer more than six cents a mile for actual travel for serving any one process, although several persons may be named in it, and served on the same, except it be a forced construction. Therefore, are of opinion that no alteration ought to be made."

The Council of Censors took up this work of the legislature, examined it critically, showed the infelicity in allowing constructive mileage to Mr. Coley and later affirming a principle opposed to this construction of the law. This case and several other important matters were published in the *Address to the People*, and distributed over the State.

(1) Address of Council of Censors, 1800, p. 13.

There is a peculiar interest in this case because it sheds light on the principles which underlay the structure of the Vermont commonwealth. No one could affirm that Sheriff Coley was becoming a plutocrat when his fees for an entire year were only \$53.65; nor can one fail to admire the fearless action of the Censors who bravely examined every detail of the case and laid it before the people of the State. Here reappears the spirit of John Hampden who will not yield a principle even though the amount at issue be but twenty shillings.

The fourth Council of Censors met at Woodstock in December, 1806. No amendments to the Constitution were proposed; but, in the address to the people, they suggested that the Legislature should change several laws. One was the act of November 3, 1800, in support of the gospel, the objection being that it was contrary to the third section of the bill of rights; the other law was the one that required an alien or stranger to remain three years in the State before he could acquire the privileges of citizenship, the change suggested making it apply to all citizens alike, native or adopted, agreeably to the thirty-ninth section of the Constitution. ⁽¹⁾

The fifth Council of Censors met at Montpelier, June 2-4, and October 14—November 1, 1813, and at Middlebury, January 19-24, 1814. ⁽²⁾ This time a large number of amendments were proposed, but of these we only mention the most important. The plan for a Senate to take the place of the Executive Council that was proposed in 1792 and failed of ratification by the convention, was now renewed

⁽¹⁾ Proceedings of Council of Censors, Vermont State Library.

⁽²⁾ Journal of Council of Censors, Vermont State Library.

with several suggested changes. It was to consist of twenty-four members apportioned among the counties according to population ; the term of office was to be three years, one-third retiring each year. The judges of the Supreme Court were to serve during good behavior subject to removal from office on a two-thirds vote of both houses of the Legislature. It was proposed, also, that an amendment be added prohibiting the suspension of the writ of *habeas corpus* under any circumstances.

No changes had been made in the constitution for twenty-one years, and none had been suggested by the Council of Censors for fourteen years. A strong effort was now made to bring the Vermont Constitution up to a point of excellence that should cause it to rank with those of the sister states. On February 22, 1814, Charles Marsh, Esq., delivered an address ⁽¹⁾ at Norwich on the occasion of the celebration of Washington's birthday. His theme was the proposed amendments. He argued in favor of a senate to check the legislation of the lower house ; he would give the judiciary greater independence by extending the tenure of office of the judges. He disapproved of the idea of electing the executive council on a general ticket because men would be obliged to vote for men with whom they were not acquainted. Representation in the senate would, he asserted, secure the election of men who were known by their neighbors. He cited the fickleness of France as shown in her national assembly, and endorsed the views of Washington that the salaries of judges should not be diminished during continuance in office.

(1) An Essay on the Amendments Proposed : Hanover, N. H. ; Printed by Charles Spear. Pamphlet of 21 pp., Vermont State Library.

The Convention called to consider the proposed amendments met at Montpelier June 7, 1814, and completed their work June 9. Not an amendment suggested by the Council of Censors was endorsed. Twenty-three amendments were negatived without a dissenting vote; the proposition for a senate commanded twenty votes in its favor, while one hundred and eighty-eight voted against it. The amendment prohibiting the suspension of the writ of *habeas corpus* polled the strongest vote in its favor of any amendment, but it, too, went down with fifty-one yeas in its favor to one hundred and fifty-six nays opposed to its ratification. (1) The sentiments of Mr. Marsh were evidently not shared by a majority of the citizens of Vermont, for the people were not ready for these advanced steps in political life.

The sixth Council of Censors met at Montpelier and held three sessions: June 7-8, October 17-27, 1820; and March 15-26, 1821. Five amendments (2) were proposed and a Constitutional Convention was called. The amendments in brief were to vest the legislative power in the Executive Council and House of Representatives; to apportion the representatives so that there should be two representatives for every 2,000 inhabitants; to prevent any judge of the supreme court from holding any other state or town office; to vest the executive power in a governor and lieutenant-governor; and to make the period of service of the supreme court judges seven years. It further provided for the removal of the judges by impeachment, should an occasion arise for such a step.

(1) Constitutional Conventions of Vermont, Vermont State Library.

(2) Journal of Council of Censors, Vermont State Library.

The Constitutional Convention met at Montpelier, February 21-23, 1822, to consider the amendments proposed by the Censors. It sat only two days and adjourned without date. The first amendment was defeated with no one to support it; the vote on the second stood fourteen yeas, two hundred and two nays; the third stood yeas ninety-three, nays one hundred and twenty-one; the fourth was discarded but the vote was not given; the fifth stood yeas nineteen, nays one hundred and ninety-three. (1) Not an amendment was ratified, and Vermont's fundamental law stood just where it did when she entered the Union in 1791.

The seventh Council of Censors met at Montpelier for two sessions—June 6-8, and October 15-26; and at Burlington November 26-30, 1827. It proposed three amendments(2) and called a Constitutional Convention. For the fourth time a Senate was suggested as a second branch of the legislature, a qualified veto power was given to the governor, and it was further proposed that the privileges of citizenship should be denied to foreigners until they should be naturalized under the laws of the United States.

The Convention met at Montpelier June 26-28, 1828. It passed the third amendment, as to naturalization as a requisite for citizenship in the State, by a vote of one hundred and thirty-four for to ninety-two against the measure; but the first two were defeated, the vote on the Senate

(1) Vermont Constitutional Conventions, Vermont State Library; Thompson's Vermont, Part II, p. 126.

(2) Journal of Council of Censors, Vermont State Library.

and veto power standing yeas forty-seven, nays one hundred and eighty-two.⁽¹⁾

The eighth Council of Censors met at Montpelier for two sessions, June 4-6, and October 15-24, 1834, and at Middlebury for the third session, January 7-16, 1835. It proposed nineteen amendments to the Constitution and called a Constitutional Convention.

The Convention met at Montpelier January 6-14, 1836, and adopted twelve of the amendments proposed by the Censors. Among the most important were the measure providing a Senate to replace the Executive Council, as a second branch of the Legislature, apportioning the Senators among the counties according to their population, giving it sole power to try impeachments, vesting the executive power in a governor and lieutenant-governor, prohibiting the suspension of the writ of *habeas corpus* for any reason, and providing for the election of certain officials by counties and probate districts.⁽²⁾ There is a certain interest in considering the vote on the amendment providing for a Senate. The proposition was now for a fifth time before a Vermont Constitutional Convention.⁽³⁾ Judge Chipman⁽⁴⁾ had addressed the Convention the first day of the session, and yet when this amendment was reached it was ratified by the slender majority of three, the yeas being one hundred and sixteen and the nays one hundred and thirteen. A motion to reconsider this vote was made and lost by a vote

(1) Vermont Constitutional Conventions, Vermont State Library; Thompson's Vermont, Part II, pp. 125-127.

(2) Journal of Council of Censors, Vermont State Library.

(3) Vermont Constitutional Conventions, Vermont State Library.

(4) Judge Chipman's Address, Vermont State Library.

of one hundred and ten to one hundred and nineteen.⁽¹⁾ This action abolished the Executive Council and placed Vermont on a plane with the other States in that her Legislature was now bi-cameral.

The Censors had suggested the amendment in 1792, in 1814, in 1820, and in 1827, and each time the Convention following the Censors had vetoed the measure. Perhaps there is no more striking illustration in Vermont's constitutional history, to show how the radical or progressive ideas of the Censors were sent to the rear by the conservative constitutional conventions, than the time and persistency required to establish a Senate in place of the Executive Council. It was adopted forty-four years after it was first proposed, and after it had been proposed and defeated four times.

The Later Councils of Censors and Conventions, 1842—1869.

The ninth⁽²⁾ Council of Censors held three sessions: two in Montpelier and one in Burlington. They proposed seven amendments and called a Convention to meet in Montpelier in January, 1842. The amendments proposed failed of adoption, not one passing by the requisite vote of the convention. It may be interesting to note the nature of some of these as proposed by the Censors, viz: that the general State election be held the second Tuesday in October annually forever; that the legislature meet on the first Thursday in June each year until by law some other day

⁽¹⁾ Vermont Constitutional Conventions.

⁽²⁾ Thompson's Vermont, Part II, pp. 125-127; Niles' Register, Vol. 63, Nov. 19, 1842.

should be selected ; that the Senate be divided into classes, one-third retiring each year, the senatorial term being three years ; that sheriffs and high bailiffs be elected by the free-men of the counties ; that justices of the Supreme Court be elected for seven years, subject to removal by impeachment brought by a two-thirds vote of each branch of the legislature. The Council of Censors was unwilling to have the method of suggesting amendments to the Constitution transferred from the Council of Censors to the legislature. They proposed, however, to give the people the privilege of voting directly on amendments, either to adopt or reject. In this case each voter could register his opinion on the amendments proposed.

The tenth Council met in 1848-9 and the constitutional convention which passed upon its work met in Montpelier, Jan. 2-14, 1850. It ratified amendments to the Constitution to the effect that the people should elect the assistant judges, sheriffs, high bailiffs and judges of probate ; that justices of the peace should be elected by the people, and that senators, to be eligible, should be at least thirty years old.

The eleventh Council of Censors met at Montpelier in October 1855, and proposed a series of amendments, none of which were ratified. Some of these propositions were for biennial sessions of the legislature and two-year periods for State officers ; that the house of representatives be composed of 150 members to be apportioned among the counties, each county to have at least two, the counties being divided into districts on an equitable basis ; that the Senate should be composed of four members from each county, the senatorial term to be four years, with the body divided into

two classes, one-half retiring biennially ; that the judges of the Supreme Court be elected for six years, one-third retiring each two years ; that a constitutional convention be composed of ninety delegates, apportioned among the counties, each having at least two, the rest being apportioned among the counties according to population.

It seems strange that not one of these proposed amendments was ratified. One may reasonably infer that the Councils of Censors were more nearly abreast of the times in governmental affairs, while the constitutional conventions represented the conservatism of the State.

In 1862 the twelfth Council of Censors was chosen. It met but proposed no amendments. At this time the Civil War was in progress, and the larger danger of disunion overshadowed any defects which might otherwise have been found in the commonwealth's fundamental law.

The thirteenth and, as it proved, the final Council of Censors met in Montpelier, June 2, 1869. It was composed of thirteen members : Henry Lane, J. B. Hollister, William Harmon, Jasper Rand, H. Henry Powers, J. R. Cleveland, Nathaniel W. French, Charles C. Dewey, Charles K. Field, Timothy P. Redfield, Charles Reed, Joseph W. Colburn, and Jonathan Ross. The Censors met in the Senate Chamber at Montpelier, June 2, 1869. They held three sessions : July 2-4, July 27 to August 6, and October 19-22.

At the afternoon session of June 2, Mr. J. W. Colburn introduced a resolution that a committee of three should be appointed to consider a plan of changing the method of amending the Constitution "so as to refer to legislative action for propositions, and refer directly to the people for a final decision, as more appropriate and less expensive

than the present system and more in accordance with republican ideas and democratic equality." On that committee were appointed Mr. Colburn, Mr. Lane, Mr. Powers. Saturday, July 31, Mr. Colburn for the minority of the committee begged leave to report in favor of abolishing the Council of Censors for reasons which in substance are as follows:

There were good reasons for having the Council when it was adopted, but these reasons exist no longer. ⁽¹⁾ Then we had few newspapers, few books, few schools. It was felt to be unsafe to entrust the amending of the Constitution directly to the people. We adopted the present system from Pennsylvania—one used by no other State and discarded by Pennsylvania after giving it a brief trial. Since 1850 the people have taken little interest in amendments to the Constitution; not one in ten seemed to understand the Constitution or how it was amended; and a system so little understood should not exist longer. To-day the people are better educated, more capable of judging on constitutional matters; hence it would be well, once in ten years, to submit to them the proposition whether the Constitution needs revision. When our government was organized we had two great parties—"Federal" and "Republican." "The former took the ground that the people were not to be trusted with the powers of self-government; the latter contended that they were safe depositories of this power." ⁽²⁾ The old Federal party has gone, but the relic of Federalism remains in this antiquated custom of having a Council of Censors; and this is left only because of the apathy of the people;

(1) Journal of Council of Censors, Montpelier, 1869.

(2) Journal of 1869, p. 43.

for "the people know and care but little about the changes of their Constitution." Does some one argue that the Council has other duties besides amending the Constitution? They are to review legislation, but in the heat of the War of 1812 they censured some acts of the legislature. "It undid nothing, it righted nothing." Its action came too late and was not effective. The people themselves remedied the evil legislation by failure to re-elect the members in question, and this remedy is always with them and efficacious. The ballot-box and the Supreme Court are sufficient remedies,—let these be used. This machinery is cumbersome, antiquated and has been almost useless for three-fourths of a century. The Council of 1855 proposed amendments, but the Convention following in its wake voted them down; but all this was expensive. Mischief is liable to be done in such ways. The small towns are guarded in their rights, each one having a unit of representation; this they can not lose, for they will not yield it. A two-thirds vote of the Legislature once in ten years will correct any evils that may arise. The argument of "let well enough alone" is not germane to the question. We have improved implements in agriculture and mechanical lines, then why not improve governmental machinery? For the old Executive Council we substituted the Senate in 1836 and from time to time we have made other changes. We want our people to know our Constitution, to take an interest in it. Other states succeed in this regard; shall Vermont be less progressive? Some one complains that the expense will be burdensome with the Legislature "continually tampering" with the business now and formerly done by the Censors; and that its sessions will be spun out to too

great length. But this is lame; for it can be done only once in every decade. The session would never be delayed more than a week on this business, and the added expense is imaginary, since the Council meets once in seven years with the possibility of a constitutional convention to follow it, while the present plan is to suggest changes only once in ten years. Amendments proposed by one Legislature would lie over until the next Legislature in order that the newspapers might lay them before the people. In this way the people can express their opinions more directly as to the fundamental law of the state. Give the people a chance to say whether or not they would like this plan. It is the duty of this Council to lay this before the people for their verdict. The minority of this committee feel that this action is demanded by the people.

On the afternoon of Tuesday, August 3, Judge H. Henry Powers for the majority of the committee made a supplementary report to this effect. ⁽¹⁾ "Our Constitution was framed for the *whole* people." It does not govern municipalities but the people; it should be controlled by the people, and the municipalities ought not to control it. The Council of Censors is elected by the *people* on a general ticket. ⁽²⁾ "Theoretically, then, the Council created by the people themselves more emphatically represents the popular voice than any other tribunal in our frame of government." Evidently this was the purpose of the framers of the Constitution when they established the Council. It would have been better to submit amendments to a Convention representing the people not the towns; but this was not the case.

⁽¹⁾ Journal of 1869, p. 70.

⁽²⁾ Journal of 1869, p. 71.

Delegates to Constitutional Conventions have been chosen by towns. A town with fifty voters can thus have a voice in determining the organic law of the state equal to that of Rutland with fifteen hundred or two thousand voters. ⁽¹⁾ This is not right or just. An amendment to change the method of calling Constitutional Conventions so as to represent the whole people would bring the people nearer to a direct participation in amending the Constitution, than the plan proposed by the minority report. As the Senate is now made up it represents the idea of municipality because each county, whatever its size, has one at least (the other sixteen being given to the larger counties on the basis of population) and the House represents the towns as corporations regardless of population; and yet the minority of this committee recommend the placing of the initiative of amendment with the Legislature thus made, as being nearer the people. What matters it if other states have not employed it; or, if they have used it and then discarded it? Vermont has other institutions not possessed by other states; but this is no argument why she should discard them. "The very *soul* of an organic law—of a constitution for a commonwealth, is *permanency*." ⁽²⁾ The people demand a permanent law as a protection for their rights.

On the ground of economy, a Council of Censors once in seven years, followed by a Constitutional Convention, would prove, he believed, every whit as economical as the method proposed by the minority. If the Legislature can propose amendments once in ten years "a large portion of their time will be spent in tinkering it." The Constitution will

⁽¹⁾ Journal of Censors, 1869, p. 71.

⁽²⁾ Journal of Censors, 1869, p. 72.

then be a target for repeated blows by the members of the Legislature; and all this will be expensive. The people do not desire to confer upon the Legislature the other powers held by the Council of Censors, then why give up this one? Several efforts have been made in the past to do away with the Council of Censors, but they have not met with success, "and although in deference to the wishes of a portion of our people who call for this change we may be constrained to vote to submit the proposed amendment of the minority to a convention, still in justice to ourselves we are bound to express our views against the wisdom of such a change". ⁽¹⁾

On October 22, 1869, the Council of Censors voted to present a series of proposed amendments to be acted on by a convention duly elected by the people, the substance of which was: (1) That the Council of Censors should be abolished, and that the Legislature should, once in ten years, have the right to initiate amendments to the Constitution; (2) no special laws for corporations except for municipal purposes; (3) State officers in all departments to be elected biennially; (4) senators and town representatives to be elected for two years; (5) judges of the Supreme Court to be appointed by the Governor, "by and with the advice and consent of the Senate." The term of office of judges should be six years, and they should be divided into classes, the term of office of one-third expiring every two years. The salaries should not be diminished during the term of office. But if the above, relative to election of judges, should fail of ratification, then it was proposed, as a substitute, that they should be elected biennially and that their term of office

(1) Journal of 1869, p. 72.

should be two years; (6) women to have no more restrictions than men in regard to voting.

The Council of Censors, October 19, 1869, voted to call a Constitutional Convention to meet at Montpelier, Vt., the second Wednesday in June, 1870, "to consider certain amendments to the Constitution of this State proposed by the Council of Censors."

The Convention met according to the call of the Censors and proceeded to consider the amendments proposed. It is curious to note the spirit of the Convention as manifested in the vote on the different articles. That suggesting biennial sessions of the Legislature was carried by a majority of five votes out of a total of 233; that making the term of judges of the Supreme Court six years was defeated by a majority of two hundred and twenty-nine out of a total vote of two hundred and thirty-one, but two votes being cast in its favor. The amendment proposing woman suffrage received but one vote in its favor, while two hundred and thirty-three were cast against it. The article abolishing the Council of Censors and giving the power to the Legislature to take the initiative in amending the Constitution, and this once in ten years, was carried by a vote of one hundred and twenty-three in its favor and eighty-five against the measure,—not a two-thirds vote.

General Comment.

At the February session of the Legislature, 1779, an act was passed declaring that the Constitution as established by general convention at Windsor, in 1777, with the alterations made agreeably to Section 44 of the Constitution

“shall be forever considered, held and maintained, as part of the laws of this State.”⁽¹⁾

A similar act was passed at Windsor at the June session of 1782 “to prevent disputes respecting the legal⁽²⁾ force of the Constitution of this State” and⁽³⁾ again in 1787. In these two acts the Constitution is treated as if it were a legislative act in point of quality.

Judge Chipman in his *Memoirs of Thomas Chittenden*⁽⁴⁾ shows that the early people of Vermont, in common with many others, held that sovereignty was vested in the Legislature, or in the people, but manifested in the action of the Legislature. From this it would follow that a Constitution would stand only on an equal footing with acts of the Legislature. This view changed when the Constitution of the United States was adopted as the supreme law of the land.

In a previous dissertation we have shown the origin of the Council of Censors, as having some features analogous to the Greek ephors; that it had some features like those of the Roman Censors, whence it took its name; that it was a feature of Rousseau's *Social Contract*; that in the republics of France and Naples, at one time, it was proposed seriously as the people's check on the usurpations of the various departments of government. The Radicals of Pennsylvania adopted it in the Constitution of that State in 1776, and discarded it in the Constitution of 1790. In Pennsylvania only one Council of Censors was

(1) Slade, State Papers, p. 288.

(2) Slade, State Papers, p. 449.

(3) Memoirs of Thomas Chittenden, p. 111.

(4) P. 102.

ever elected and this body by a majority vote favored submitting a proposition for amending the Constitution by abolishing this provision. A two-thirds vote was needed to carry this, hence it was never submitted as an amendment.

Vermont adopted this provision with the entire Pennsylvania Constitution, with certain minor changes, in 1777. Fourteen times at intervals of seven years, Councils of Censors were elected, and nine Constitutional Conventions were called to consider proposed amendments. Finally in 1870 it was abolished and the initiative for amending the Constitution was vested in the Legislature, the power to be active only once in ten years. Judge Chipman in his *Memoirs of Thomas Chittenden* ⁽¹⁾ says that the Vermont Council of Censors being elected on a general ticket, this threw the advantage into the hands of the dominant party, and that by this means the minority was not represented in the Council. The Censors, elected by a majority of the electors, would meet, consider the defects of the Constitution, and possibly suggest remedies; in which case it would call a Constitutional Convention. These Conventions were, except in one instance, 1857, made of delegates, one from each town. As the recommendations of the Censors were placed before the people before the delegates to the Constitutional Convention were elected, the minority party would succeed in sending, in most cases, a majority of delegates opposed to the provisions of the Censors. The Councils of Censors were, then, radical or progressive, while the Conventions were conservative.

(1) P. 129.

From 1793 to 1836 only one amendment was ratified by a Constitutional Convention, and this denied the right of suffrage to all foreign-born citizens until they should be naturalized. In 1836, the amendment to make the legislature bi-cameral passed by a majority of only three votes, one hundred and sixteen votes being cast in favor of the measure and one hundred and thirteen against. Successive Councils of Censors had three times previously recommended this change but it had always been rejected, although Vermont was the only state in the Union having a legislature of only one branch.

The spirit of progress and conservatism in the Censors on the one hand and the Conventions on the other, is illustrated by the attempts made to lengthen the term of the supreme court judges. Five times was the effort made and five times the measure was defeated. This was begun in 1814, was repeated in 1822, 1857 and 1870, when it received the crushing defeat of two votes for the measure, and two hundred and thirty-one votes against it. Thus have the people kept a strong grasp on the judiciary, calling upon the bench to give an account of its stewardship before the bar of each biennial Legislature.

Perhaps the greatest controversy between the Censors and the Conventions occurred in connection with the recommendations of the Council of 1856. That body prepared a series of amendments, among them the provision for biennial sessions of the Legislature, with provision for two-year periods for State officials, and then issued a call for a Constitutional Convention of ninety members, apportioned among the counties, "in such manner as will, in our opin-

ion,⁽¹⁾ protect the just rights of all." The *Address* further stated, "And we submit to you whether the principle on which said Convention is based is not under existing institutions in accordance with your views of right, in matters relating to the fundamental and organic Laws of the State."

The Convention of 1857 met and organized. A committee of one from each county was appointed to decide upon a course of action with reference to the proposed amendments, with Paul Dillingham as chairman. His report recited that the amendments were numerous and important, that they contemplated many and radical changes in our Constitution. The committee declined to give an opinion as to merits or demerits of the amendments. It regarded the plan of limiting the delegates to ninety, and apportioned as they were, as a startling innovation. The committee reviewed the framing and amending that had been done since 1777, and called attention to the statement in the preamble of the instrument, that it should be permanent and unchanged, until it should be changed in a manner provided by the express terms of the instrument. The Convention expressed its views to the people in four resolutions to the effect (1) that the Censors had acted unwisely in thus calling a Convention; (2) that in the absence of precise words, the practice and usage of many years had confirmed the purpose of the fathers to establish town representation in Conventions, which purpose it urged the next Legislature to confirm explicitly; (3) that, because these delegates did not represent the towns, they were chosen by their constituencies to reprobate the action of the Censors, not to give validity to their action; and (4) that

(1) Address of Council of Censors, 1856, p. 108.

as this Convention was not duly constituted as prescribed by time-honored usage and custom it would take no further action. It adjourned and thus referred the points at issue to the judgment of the people.

In these collisions between the progressive spirit of the able men who set on foot progressive movements in governmental matters, and the conservative spirit of the people in the Constitutional Conventions, one sees an example of the working of the referendum. The experience of Vermont has been repeated in Switzerland since 1874. Sir Henry Maine says, ⁽¹⁾ "Contrary to all expectations, to the bitter disappointment of the authors of the Referendum, laws of the highest importance, some of them openly framed for popularity, have been vetoed by the people after they had been adopted by the Federal or Cantonal Legislature."

The Convention of 1870 was made up of delegates from each town and, hence, was duly constituted. Its cautious work is in evidence when one considers that the matter of biennial sessions of the legislature was carried by a majority of only five votes out of two hundred and thirty-three; that the proposition granting the right of suffrage to women received only one vote in its favor to two hundred and thirty-three in opposition; and that the Council of Censors was abolished and the method of taking the initiative in amending the Constitution was lodged in the Legislature by a majority of only thirty-eight out of a vote of two hundred and eight.

⁽¹⁾ Popular Government, pp. 96-7.

Appendix.

GEN. FRASER'S ACCOUNT

Of Burgoyne's Campaign on Lake Champlain and the Battle of Hubbardton.

(STEVENS' FACSIMILES, VOL. XVI, No. 1571.)

THEREIN ENTITLED "BRIGADIER GENERAL SIMON FRASER* TO [JOHN
ROBINSON.] ABERGAVENNEY MANUSCRIPTS AT ERIDGE CASTLE."

ENDORSED "COPY FROM BRIG'R FRASER, 13TH JULY,
1777, SKEENSBOROUGH."

CAMP AT SKEENSBOROUGH ON WOOD CREEK, 13 JULY, 1777.
MY DEAR SIR:

Your very kind and interesting Letter reached me the morning of the 10th Instant, I feel the weight of my obligations to you, and as you desire it, I will give you the most detailed account in my power of the operations of the Campaign, in mentioning the measures which appear to me, most likely to forward the public service. I shall be under the necessity of touching slightly on charac-

* Gen. Fraser was one of the bravest and best of Gen. Burgoyne's lieutenants. He was shot through the body in the second Battle of Saratoga, October 7, 1777, and died next morning. He was buried that evening within one of the British entrenchments on a hill. Gates' artillery opened on what they supposed to be a movement of troops on the hill, and the burial took place under cannon fire. Gen. Burgoyne thus describes the scene: "The incessant cannonade during the ceremony; the steady attitude and unaltered voice with which the Chaplain officiated though frequently covered with dust which the shot threw up on all sides of him; the mute but expressive mixture of sensibility and indignation on every countenance—these objects will remain to the last of life upon the mind of every man who was present. The growing darkness added to the scenery and the whole would make one of the finest subjects for the pencil of a Master that the field ever exhibited. To the canvas and to the page of a more important historian, gallant friend, I consign thy memory. There may thy talents, thy manly virtues, their progress and their period find due distinction, and long may they survive after the frail record of my pen shall be forgotten."

ters, and if my own name is frequently repeated it is because you are more interested in my honour and success than any person, and that much turned on my poor endeavours to clear the way for the movements of the army ; Mr. Burgoyne has behaved to me with all possible candor, and I give him my opinion upon everything submitted to my consideration with the same sincerity, and execute his orders with the same zeal as if he were, what you are, my friend, my relation, and the head of my family. The General arrived the 6th day of May at Quebec, his appearance was a *coup de foudre* to Sir Guy, it required all Burgoyne's address, supported by the excellency of his understanding, to do business with a proud, austere, narrow-minded man, disappointed in all his views of ambition, envired by flatterers, Dependants & Sycophants, possessing for some time a degree of power not far inferior to that anciently given to a Roman Dictator. The General's first endeavour was, to remove from Sir Guy's mind the idea that he was superseded in his command by any management of his ; Sir Guy being persuaded by the Gen'l's declarations on this head, entered on business, fairly & zealously gave every assistance he could for opening the Campaign ; notwithstanding of their joint efforts, it was the 29th of May before the advanced Corps quitted the Quarters of Cantonments and moved towards St. Johns ; We assembled the 3d June, received our Batteaux, took in fourteen days provision the 4th and proceeded to Point au Fer on the 5th, some of the boats did not get there until the 6th in the morning, the general Rendezvous of the Army was at Cumberland head, on the Lake Champlain, my orders were to proceed to Riviere au Sable, the south end of Cumberland Bay, and on the west coast of the Lake, I arrived at my destination on the 8th June, the wind being at west, the shipping could cover us for two days ; The first Brigade arrived at the rendezvous on the 10th. I found it would take some time before the German troops & the second Brigade could assemble, I wrote to the General, that I was strongly Posted, but in a barren Country, and that I wish'd to have his permission to take post on the River Bouquet thirty miles farther up ; the Country it is true, was never explored, that I should be answerable to take an eligible position, and that I should do all I could to draw some fresh provisions for the troops from the Rebel settlements on the east side of the Lake opposite to my camp ; he wrote that I was at liberty to remove as I proposed, but to remain there untill further orders, for reasons he would give me at meeting ; to the best of my recollection it was the 12th June before the Shipping could get to Bai de Vaisseaux. I moved the advance corps on that day to River Bouquet, and with much fatigue to myself establish'd a pleasant & a safe post, in two days we made it the most pleasant Camp I ever was in ; being now joined by some Indians, and having no kind of intelligence, I ordered a scout towards Ticonderoga with orders to make one or two prisoners if possible—this party apprehended two Inhabitants near Ticonderoga, one of them James Macintosh, had been a soldier in the 78th Regiment, and in my Company, he had a very good settlement within four hundred yards of the Rebel Intrenchments, could neither read or write, and his English not very intelligible, but very sensible, cunning sagacious highlander, he knew me,

was happy to see me, but I had no remembrance of him; I had no local knowledge of the Environs of Ticonderoga nor of Mount Independence, the new Rebel Fortress, the descriptions I had were imperfect, and the drawings very erroneous, it cost me one entire day to persuade my countryman to let me in to all his knowledge. I was four hours at work methodizing it, and from his intelligence, and some other sketches in my possession, my Major of Brigade made a very distinct drawing of Ticonderoga, Mount Independence and the Country round it, I transmitted the whole to Genl Burgoyne without keeping a copy, requesting to have leave to push to the south end of the Lake. It was the 16th June before I had an answer from Mr. Burgoyne, a considerable number of Savages had joined me, and more were expected. The General held a Council with them on the 18th at the head of my Camp; on the 19th I got some cattle from the opposite side of Lake Champlain by means of the strongest of my Bateaux. I paid the Inhabitants in solid coin and sent them away with many of Mr. Burgoyne's manifestos; on the 20th it blew so hard at N. E. and on the 21st S. W. that nothing could move on the Lake; on the 22d at night Captain Fraser with a considerable number of Savages and some regular troops were ordered up Otter Creek, with directions to go high on that River, to disperse manifestos, to purchase cattle from the Inhabitants, and to join me at Chimney Point; on the 24th I moved the advanced Corps to Button Mould Bay, and occupied a strong Camp; the Shipping and Gun Boats pass'd me in the evening and anchored off Crown point; on the 25th June about nine o'clock I landed the Corps on Chimney point without any opposition, in four hours by means of abbatiss, I rendered my situation very strong; my corps not being sufficient to occupy the ground at Crown point it was necessary for me to take up less space; on the 26th the whole army came up to Crown point, and I moved to Putnam's Creek within eight miles of the Enemy's lines, posting some Indians and Canadians on the opposite side of the river; 27th I employ'd five hundred men to fortify my Camp; on the 28th was joined by Captain Fraser with some prisoners but no cattle; he found that all the Inhabitants of the Country through which he passed, were exceedingly disaffected and had assisted to drive their cattle from the King's troops; on the 29th allowed all parts of the Corps to rest, the men being much fatigued by labour, rowing and some of them by marching.

On the 30th June there was a movement of the whole army, I push'd my Savages and Canadians to three mile point, the British Brigades came to Putnam Creek, the Germans moved to five mile point on the east side of the River, sending their light troops a little forward; the Shipping and Gun Boats got within a mile and a half of the enemy's lines, by this last motion, the army was divided in two parts, the river being between them; on the first of July I moved the advanced corps to three mile point, the rest of the army remained in the position of the preceding day; I was now within a short distance of the Enemy, my front and right very accessible, I labored very hard to fortify my situation, and make roads of communication along my front, it was likewise necessary for me to open a road to the highway on my right, which leads from Crown Point to

Ticonteroga, with hard labour, great zeal in the men and officers, I got everything completed on the evening of the 2nd July; my Indians fell in with a scout of the Enemy consisting of 30, they were killed or taken, except four who made their escape; at seven o'clock on the evening of this day Genl. Burgoyne desired to have some conversation with Phillips and myself about the future operations for reducing the lines. It is necessary to explain that there are four great lines of communication to Ticonteroga and Mount Independence, three of them by water, which you will see distinctly traced in the map, the fourth is a great road lately made by the rebels, from No. 4 on the Connecticut River to Mount Independence. An Investiture was a very desirable thing, but to complete it we had too small an army, and I could not see the wisdom of embracing too much space, and dividing our forces into too many parts, the Genl wish'd to throw a corps of Germans upon the great road mentioned above; I considered that operation rather dangerous, they are a helpless kind of troops in woods, and a morass obliged the Corps to make a circuit of sixteen miles, and from the post they were to occupy, it was necessary to make communications to that extent to bring provisions &c from the water side, they could not expect any supply from their rear, the Country being only newly settled & the Inhabitants disaffected; I proposed to have permission to reconnoitre the right in person, & to see if the ground on that side was such as Macintosh represented it, if so that I would possess any advantageous part of it, and wish'd to be supported; Phillips said both proposals were diffuse, and wished the army to remain in its present position until good roads were made for the purpose of carrying artillery, and this last proposal prevailed; when we separated I left the Generals on board the Royal George, and I moved to my Camp; on the 4th of July, Genl Burgoyne came on shore, & told me he had reason to suppose from a great smoke, and other symptoms of confusion in the enemy's camp they were abandoning some part of their works, if not the whole, I proposed to send forward the Canadians and Indians under Captain Fraser, and that I would support them with 600 of the advanced corps, leaving my camp standing; You are to remember that Burgoyne's great apprehension was, that the Rebel army would go off & the conquest would not have been sufficiently brilliant by a great number of prisoners, or a large quantity of stores. About one o'clock of the 4th I had everything in motion, and desired that B. Hamilton with the 2d Brigade British should move to the great road leading from Crown point, in case I should want to be reinforced; the Indians were mostly drunk and consequently very irregular, it was with much difficulty that I got them at all managed, they rush'd on, met and dispersed a party of Rebels, but went so near the Enemy's works, that two of them were killed and three wounded from the lines. Captain (Fraser) was obliged to expose some of his Canadians & his own Comp'y of marksmen to bring the Savages off, he had Lieut. Houghton and two or three of his men wounded, he effected his purpose, retired, took possession of a very commanding spot, and reported it to me. I sent Lord Balcarras with two hundred men to his support, was moving on with the rest of the detachment,

sent orders to second Brigade to march and halt at a given point & wrote the following note to the Genl

Sir "The Indians were so much in liquor that I found it impossible to bend them to obedience, they have however gone on, went too near the Enemy's lines, & suffered; they are at present very clamorous, Fraser is in possession of strong ground on the right, I am moving on to his support, the 2d Brigade has orders to march to the Bridge, and perhaps it would be wise to make a motion with the first Brigade of British; this arrangement is necessary for a variety of reasons & especially to secure the confidence of the Savages." At this moment to my surprise M. G. Phillips made his appearance, & with his usual warmth said, the irregularity of the Savages had disappointed the purpose of the reconnoitring party, & proposed to retire the troops; I differed much in opinion & requested to have leave to view the ground on which Fraser was posted; we moved forward and on examining Genl Phillips & I considered it of the utmost consequence to possess it, I formed my detachment, had my Canadians, Indians & marksmen upon my right & Phillips supported my left with the 20th Regiment; the right was then within 1500 yards of the old French lines, Genl Burgoyne came to me at 10 o'clock, thanked me in the handsomest manner for the work of the day, we lay on our arms all night; early in the morning G. Phillips went on board ship, & left me to take care of myself; the next day I sent orders to the remainder of the corps to carry their tents to this position & I formed my camp before evening, the first Brigade of British occupying the ground on my left; In the night I had a letter from the Genl. signifying that the Enemy were observed from the Shipping to reinforce the part of their works next my post, with men and artillery; I assured His Excellency I would take every precaution in my power, but that I did not apprehend much; I said at the same time, there was a necessity for occupying a hill on the South side of the water leading to Lake George, which seemed to command everything, as I imagined it would be very inconvenient, were the Enemy to make a strong post on it; The Genl seemed much attached to the idea of cutting off their retreat from New England, & for that purpose sent the Indians with Captain Fraser's marksmen and some Canadians round by the left: in the afternoon of the 4th I had sent Capt. Craig with forty Light Infantry, and a few remaining Savages to reconnoitre this hill, which in some drawing is called Sugar mountain, at 12 o'clock at night I had a report from him that he had gained the top of it, & that it was very commanding ground;—Altho' the encampment according to my calculation was out of the reach of any range, yet by elevating a long 12 Pr. the shot came our length, killed two men and a horse in our front. I was obliged to retire my right wing about 200 yards; in the afternoon of the 5th July, I determined to visit the hill, Mr. Twiss the Engineer went along with me, I had no guide, the person Craig sent could not find his way back; I took the bearings by means of an excellent compass, considered them, & undertook to pilot the party, I steered a direct course, the day was abominably hot, but I got to Craig's post about 2 o'clock, upon looking round me, I found out the very summit, the perpendicular height

from the level of the water I considered to be about 280 yards, I found this mountain commanded at Ticonteroga and on Mount Independence, any kind of work on the hill took the works of both en Revers, at the medium distance of about 12 or 1300 yards, and it was very practicable to make roads for transporting of any ordnance to the top of it, a sagacious Indian was so struck with the situation of this hill, that he asked, if the great father of the sun had created it lately, as in the various contests about possessing Ticonteroga, he wondered it never occurred to any person to occupy it before we did ; I sent for Axe-men to make a good abbatiss ; left a respectable detachment in it & returned to Camp, where I found the Generals ; Burgoyne imagining they were retiring from Mount Independence sent the Gun Boats forwards they were peppered by the Enemy's Batteries and returned ; it was then determined to use every possible expedition to get Cannon to the top of the Sugar hill, if other circumstances had not prevented it, two 12 Prs would have been there on the evening of the 6th instant, about 3 o'clock of the morning of that day two Deserters came to my advanced posts and reported that the Enemy were abandoning Ticonteroga, and the works on Mount Independence, at first I conceived it to be a Ruse to bring a corps of men within reach of grape Shot, I dispatched an officer with this information to Genl Burgoyne, then on board the Royal George, I ordered the Brigade to accoutre without noise or delay, to march to a certain situation & wait further directions, I sent for the Colors of the 9th Regiment then encamped near me, the 24th not having theirs on the field, and I moved in person with the Engineer & a small party towards the lines, desiring my Piquets to follow me at some distance ; I found the report proved true, that they made a combined retreat by land towards Castletown, & by water to Skeenesborough, leaving all their Cannon, a great quantity of provisions and ammunition destroying nothing but the Bridge of communication between Ticonteroga & Mount Independence, I got planks, by means of which I cross'd my Brigade to the Mount leaving a sufficient number to guard the stores at Ticonteroga, having hoisted a Colour of the 9th Regiment in the old French redoubt, the Kings Colour was soon after displayed on the Mount, as there were many to plunder, it was with very great Difficulty I could prevent horrid irregularities. I, however, so far succeeded, that about five o'clock I got everything tolerably well secured ; I could not get any certain intelligence of the number of Rebels, who went by land ; yet I believed their rear guard to be within four miles of me, I then formed a detachment of the Granadier & Light Infantry Battalions, with two Compys of the 24th Regiment, leaving an officer to acquaint the General, that I wished to be supported by the remainder of my corps, and some more troops, as I was resolved to attack any body of the rebels that I could come up with, the men were without an ounce of provision, and we marched nine miles before we came to any run of water, our only relief was, to drive two fatt Bullocks we found on the road along with us, we halted at the distance of nine miles, the men got water, & we picked up about 20 Rebels all very much in liquor, from this place I sent Capt Campbel of the 29th Regiment to acquaint Genl Burgoyne, that

I believed myself not far from the Rebel rear guard, as I meant to attack it, I wished to be supported by troops *British if possible*, but before Campbell's arrival at the Mount, Generals Burgoyne & Phillips were gone to Skeensborough with the Gun Boats & shipping, he saw nothing in motion towards my support except some German troops, I moved four miles farther, formed & halted my detachment by the side of a Rivulet, killed the two Bullocks, which refreshed the men greatly, I had a Rebel prisoner with me, who said a Colonel Francis commanded the rear guard, & and that he would be glad to surrender to the King's troops, rather than fall in to the hands of Savages; my men being fatigued I sent this person forward, he returned and Francis paid no other attention to my message although within two miles, except by doubling his diligence in getting away; about four o'clock at noon some German Chasseurs appeared in my rear & hour after Major Genl Redesel in person who acquainted me, that he had orders to support me & continue his march by land to Skeensborough, there was not sent any provision, ammunition or a supply of Surgeons or materials to take care of the wounded in case of an action, I will to you my Dear Sir fairly acknowledge that I felt much hurt to be embarrassed with a senior officer, and not to order the remainder of my Corps to join me. Burgoyne is a liberal minded sensible gallant man, but there are persons secretly jealous of all my poor endeavors to forward the public service. But to return to my narrative, Monsr Redesel told me his troops could not move further that night, I said with his permission I would proceed on the road towards Huberton, about three miles, or untill I found a good post & running water for my men; I found both near the distance I mentioned, I told Redesel that I had discretionary powers to attack the Enemy where-ever I could come up with them, & that I determined to do it, and for that purpose I would put the British detachment in motion on the morning of the 7th at 3 o'clock, he said he would move early to support me, should I meet with any opposition in my rout.—I moved according to my intention, and after marching a mile, came to some clear ground, left an officer there, desiring Genl Redesel to close towards the rear of my detachment, as I believed the Rebels at no great distance. I moved on about two miles when my advanced Scouts descried the Enemy's Centry's who fired and joined the main Body.

Major Grant who commanded the advanced Guard, had orders to take post, I intended to form the Light Infantry Battalion to his left, and keep my Granadiers as a Reserve, but circumstances obliged me to alter this disposition. The whole were in order of march, when we found ourselves so near the Rebels. I was at the head of the Light Infantry Battalion, it had then a pretty steep hill on the left flank, I halted the Light Infantry, faced them to the left and with the whole in front I ran up the hill with them, and we met the Rebels endeavouring to get possession of it; at the same time I found my advanced guard engaged depending on the arrival of the German Brigade, I ordered the Granadiers to support the right, with directions to prevent, if possible the Enemy's gaining the road, which lead to Castletown and Skeensborough, our left was much weakened by this manouvre, but I still depended on the arrival of the Brunswick

troops; the Light Infantry beat the Enemy from the first hill and drove them to a hill of less eminence, which was their original post, they were pushed so warmly here, that they left it, & when they wished to gain the Castletown road, by filing off to their own left, they were met by the Granadiers who obliged them to attempt a retreat by scrambling up Huberton mountain, and march towards Pitsford falls, here the Granadiers moved on the right flank of the Enemy, and we got possession of the top of this hill before they could, they were now put to flight on their left, but a party that were desirous to gain the road leading from Huberton towards the lower part of Otter Creek by Chimney point observed the weakness of my left, where I was in person, and made some demonstrations to renew the attack, they began pretty briskly, when a Major Bernard with some of the German Light troops came up, they entered into action in the handsomest manner possible, the firing slackened immediately & ceased entirely in about six minutes after the arrival of any part of the Germans, but before it was altogether over Mr. Redeisell sent me an Aid de Camp to know in what manner I would have the Battalions of his Brigade disposed of. I desired he would succour my left, with all his Chasseurs and one Battalion, and send the other two to support my right, he then came to the rear of the place where I stationed myself; a few scattering shots were still flying from the Enemy, I stepped to the General, and the rebels disappearing, there was no more firing to be heard anywhere.

I refer you to the Gazete for the list of our killed and wounded; I was rendered miserable by the sufferings of twelve respectable Gentlemen who were languishing under their wounds in a very unpleasant situation; I feel very sensibly the death of Major Grant, no man was ever more attached to another than he was to me, & extremely useful to me on many occasions; I attacked a Corps of Rebels of at least 2000; The British detachment consisted only of 850 fighting men, as the Battalions were much weakened by men left guarding the Bateaux, our Camp, & on duty, after the action was over my care was, dressing the wounded, burying the dead, and getting Bullocks to support the living; the place where this Action happened is called Huberton, 20 miles from Mount Independence, & 26 miles from this place—we lay on our arms untill the 8th, in the morning, when Mr. Redeisel told me he intended to move the length of Castletown in the evening, on his way to Skeenesborough leaving me at Huberton; to my utter astonishment he put his Brigade in motion before 12 o'clock, and made a march rather more rapid than when he moved to my support, and got to this place in the night; I was then left without any support, incomplete in ammunition, without provisions, encumbered with 230 prisoners and 150 wounded, 200 stand of Rebel arms; but I was resolved not to remonstrate; when the German Brigade left me, I obliged the prisoners to make a logg work for my detachment; In the evening I had intelligence, which appeared to me probable, that the rebels were in force near me, and gathering strength hourly; I was then in the most disaffected part of America, every person a Spy, I determined to move forward on the morning of the 9th and join Genl Burgoyne; I sent my prisoners at 2 o'clock in the morning

to Ticonteroga, under the escort of two Companys of Granadiers which weakened my detachment. I prepared to move early, leaving the wounded with Surgeons and Nurses & a small detachment, with orders to make no resistance if approach'd by any number of the Enemy; to cover my intentions I sent for guides to Conduct me to the place where the Rebels were said to be posted, the guides deserted me, the thing wished and expected, they acquainted their friends who retired 10 miles and I arrived here with my detachment without any molestation the evening of the 9th much fatigued; my wounded are since protected and taken care of, and I am loaded with civilities—before I conclude give me leave to remark that nothing could exceed the bravery of the troops under my command, and it is to their particular honour that I mention it. that although struggling with superior numbers in a wood, there was not a man either missing or taken prisoner.—I refer you to the inclosed order for what was done towards Fort Ann and Skeensborough, we have been very fortunate everywhere, more especially at these places—I send you one of Mr. Burgoyne's manifestos.—I am indeed very tired.—I will however write you a letter about my own private affairs.—Our Genl is really a fine agreeable manly fellow, but hates lines of resistance when they interrupt his projects, and they will occur here frequently.—Remember me to all friends.

(STEVENS FACSIMILES, VOL. V, No. 462.)

ENTITLED "ALEXANDER WEDDERBURN (1) TO WILLIAM EDEN, (2) AUTOGRAPH LETTER SIGNED AL. W. AUCLAND MANUSCRIPTS, KINGS COLLEGE, CAMBRIDGE." (3)

[*morning of 27 December 1775.*]

Dear Eden, I shall certainly attend Ld S. at 12 o'clock. My Idea of the Business does not differ much from the Attorney's. (4) My thoughts have been employed upon It ever since I saw you & I am persuaded some unlucky incident must arise if Allen & his People are kept here. It must be understood that Government does not name

(1.) ALEXANDER WEDDERBURN, Member of Parliament and Solicitor General from 1771 till made Attorney General 16 June 1778; later Chief Justice in the Court of Common Pleas, Lord High Chancellor and Earl of Rosslyn; died 1803, when George III said "He has not left a greater knave behind him in my dominions."

(2.) WILLIAM EDEN, Member of Parliament, Under Secretary of State 1772-78, chief of Secret Intelligence, 1778, Commissioner with Earl Carlisle, Lord Howe, Sir Henry Clinton and George Johnstone in 1778 to "treat, consult, and agree, upon the Means of quieting the Disorders now subsisting in certain of the Colonies, Plantations and Provinces of North America," created Lord Auckland in 1793 a cousin of Wedderburn.

(3.) A copy of this letter was received by the late Hon. E. P. Walton, in December, 1886, from Mr. B. F. Stevens. Mr. Walton regarded it as the initial letter in the Haldimand Correspondence, and the initial step which led the British Cabinet to adopt the policy toward Ethan Allen and Vermont which resulted in that Correspondence. It was printed in the Burlington Daily Free Press of January 7, 1887.

(4.) Attorney General, Lord Edward Thurlow.

to execute them, the Prosecution will be remiss & the Disposition of some People to thwart It very active. I would therefore send them back, but I think something more might be done than merely to return them as Prisoners to America.

Allen by Key's account took up arms because he was dispossessed of y^e Lands He had settled betw. Hampshire & N. York, in consequence of an order of Council settling the boundary of these two provinces, & had balanced for some time wher to have recourse to y^e Rebels or to Mr Carleton. The Doubt of being well received by the latter, determined Him to join the former, and Key adds that He is a bold active fellow. I would then send to Him a Person of Confidence with this Proposal. That His Case had been favourably represented to Government, that the Injury he had suffered was some Alleviation for his crime & that It arose from an Abuse of an order of Council which was never meant to dispossess the Settlers in the Lands in debate betw. y^e two provinces. If He has a mind to return to his duty, He may not only have his pardon from Gen^l Howe, but a Company of Rangers, & in the event if He behaves well His Lands restored. on these terms he & his Men shall be sent back to Boston at liberty; If he does not accept them, he & they must be disposed of as the Law directs. If he should behave well, It is an Acquisition, If not there is still an Advantage in finding a decent reason for not immediately proceeding ag^t him as a Rebel. Some of the People who came over in the Ship with Him or perhaps Key himself might easily settle this bargain, if It is set about directly.

Yours ever, A W :

(STEVENS FACSIMILES, VOL. V, No. 543.)

ENTITLED "PAPER OF INTELLIGENCE TRANSMITTED BY ANDREW ELLIOT, NEW YORK, NEW YORK, TO THE EARL OF CARLISLE, DECEMBER 12-16, 1778—WITH ADDITIONS 10, JANUARY, 1779. CARLISLE MANUSCRIPTS AT CASTLE HOWARD." ENDORSED BY LORD CARLISLE.

* * * By Governor Clinton's address to the Assembly of New York province, and their answer of last month it plainly appears that Governor Allen and his new province of Vermont are resolved to come to no terms but support their own independence, it is also as plain that one of the principal views and fixed resolves of Governor Clinton's Assembly is to oblige Allen to submit. His plan is just suitable to the times and perfectly Conformable to the wish and desire of the Connecticut and New Hampshire people who want lands. His situation is such that all adventurers from these two populous Colonys can easily join him and as easily find support from their friends; so that it is evident that unless the Continental Army are employed in this matter Allen will be Superior to Clinton and of course extend his views; if Congress interferes with their army it will make Connecticut and New Hampshire fall from the Continental Association.

(STEVENS FACSIMILES, VOL. V, No. 548.)

GENERAL SIR HENRY CLINTON TO WILLIAM EDEN, 24 DECEMBER, 1778.
AUCKLAND MSS.

* * * Observe Ethan Allen henceforth. by the bye I send you a short description of the Vermont district, recollect its situation, what these people did against Burgoyne, what they can do for us.

"DESCRIPTION OF THE DISTRICT OF VERMONT AND SUGGESTIONS HOW TO TREAT WITH ETHAN ALLEN. (Copy) AUCKLAND MANUSCRIPTS AT KING'S COLLEGE CAMBRIDGE."

[WILLIAM SMITH, CHIEF JUSTICE OF THE PROVINCE OF NEW YORK, TO WILLIAM EDEN.]

24 December, 1778.

When Bening Wentworth Esq'r was Governor of New Hampshire he caused Surveys to be made of great part of the land laying to Eastward of the Massachusetts Government, and sold grants for Townships between the waters of the Connecticut and a Line about twenty Miles East of Hudson's River,—and the Lake Champlain towards the Latitude of 45, where the Line of the Governmt divides it from Canada his Grants were Sold in all the Governments on the Continent at very low Prices to raise Money which he was much in want of and desired by any means to acquire; He Granted 122 Townships of 24000 Acres each of which 22 Townships are covered by Grants of this Province on the Banks of Connecticut River. Several representations were made to Stop these Practices so early as 1749 in Gov. Clinton's time and facts Humbly Offered to his Majesty George the Second and in 1764 Governor Colden and Sir Henry Moore's Government the final decision was made, and the Government of Hampshire in 1764 restrained from Granting Lands out of the Bounds of their Jurisdiction and the property was fixed in this Governmt by the King in Council. Hoosack and Wolumnek Patents had been granted before these disputes by the Government of New York prior to Wentworth's Grants the bounds of which interfered with the Township of Benington, the proprietors of which disputed the Lines between these patents and then began the first Outrages but soon after the persons holding grants under Hampshire were encouraged to take grants under this Governmt, to Secure their expenses and improvements. Many Grants were made to reduced Officers and Soldiers according to his Majesty's Proclamation in 1763. Many Land Jobbers solicited grants and had them in great Tracts in the above district, and they often interfering with the Hampshire Grants who in some cases ought to have the preference raised incessant Broils in that part of the Government as well as I can recollect in Sir Henry Moore's, Colden's, Lord Dunmore and Governor Tryon's Administration this part of the Country was separated into three new Counties viz Charlott, Cumberland and Gloster, and an appearance of Law was in some degree established but with many interruptions of Riot and Faction which nothing but a Military could quell, which the Governor

at that time could not Command and the Confusion has continued to the time this Unnatural wicked Rebellion took place in which the Mountain Boys now called the Vermont Government took an active part, and of which now Ethan Allen is Elected Governor a man of infamous Character and by his former wicked practices with some other outlawed by the Legislator of this Province. He may in my opinion be easily tempted to throw off any dependance on the Tyranny of the Congress and made usefull to Governmt by giving him and his adherants the property of all the Lands appropriated to Rebels and making that Country a Sperate government dependant on the Crown and the Laws of Great Britain. This would not only attach the present riotous crew, but draw to them numbers from the rebels which would weaken them and make the present expiring Rebellion desperate. The usurpers see as black a sky in the East. The impatience under their Burdens is universal and New England utters such Language as fills the French with too much jealousy to permit them to winter on the Continent. "Jecrois," says Rochambeau, "qu'il ya des Arnolds en tous quartiers." Is it to be wondered at when from Fear or Affection no force can be persuaded to move against Allen and Vermont. * * *

Most faithfully yours,
W. S.

(STEVENS FACSIMILES, VOL. X, No. 1013.)

GEN. SIR HENRY CLINTON TO WILLIAM EDEN. 10th October, [1779.]

"New York 10th Oct.

* * * The Messenger whom I told you in a former letter I had dispatched to Ethan Allen is returned and informs me that he met him and Col Warner on the 10th of August at a place called Williams-town to the Northward of Albany—that the former entrusted him with a letter for me; but being in danger of falling into the hands of the enemy he was obliged to destroy it. He says that Col. Allen has about 1500 men properly armed and equipped and is daily joined by people from different parts of the Country—that he is in possession of the whole of the Green Mountains, a considerable part of the West frontier of Massachusetts & the county of Cheshire in New Hampshire—declares himself well affected to His Majesty and assigns as a reason for not proceeding with his Troops that the various reports circulated in the Country of a French Fleet being here, and Spanish assistance coming, &c, &c, have created a temporary division amongst them. My informant says that Col Warner can raise about 700 men and declares himself ready to join any body of men in opposition to the Congress but particularly Col Allen.—That Col Williams, a Gentⁿ of influence in Hatfield County, Massachusetts, approves of Col Allen's plan of advancing with his men, and thinks he will meet with little opposition. He says he assured him that he had a correspondence with Genl Schuyler and that the General was at bottom a friend to Governmt — * * *

Truly your obd't Servant,
H. CLINTON.

(STEVENS FACSIMILES, VOL. X, No. 1034.)

ENTITLED "GENERAL SIR HENRY CLINTON TO [WILLIAM EDEN] 11
DECEMBER 1779 A. L. 5. AUCKLAND MANUSCRIPTS AT
KING'S COLLEGE CAMBRIDGE."

New York Dec 11, 1779.

* * * The information I gave you respecting E. Allen was premature. The Messenger has proved a rogue and confesses that not being able to get to him he returned and invented the story. I have, however, sent other Messengers to him, and as 'tis his interest I am persuaded he will join us. I enclose some correspondence with Major Talmadge, by which you will see if we want good intelligence he has not better. It was found in the Serpts (?) pocket when taken * * *

Yr obd't servant

H. CLINTON.

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